

Planned Commercial & Office District (PCD) Development Plan



August 8, 2024

Property Owners:

Avasar LLC
970 Dearborn Drive
Worthington, Ohio 43085

Jurisdiction:

Concord Township, Delaware County

Portion of Parcel Number(s):

500-320-02-016-000
500-320-02-017-000

Property Area:

36.830 acres

Site Address:

4910 State Route 257 South
Delaware, Ohio 43015

Existing Zoning District:

Farm Residential District (FR-1)

Proposed Zoning District:

Planned Commercial and Office District
(PCD)

Proposed Development:

Emerald Farm - Banquet Facility &
Agri-tourism Activities

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FEE: \$ _____

Note: The initial application fee covers one meeting only.
If the applicant requests tabling, there may be associated fees for rescheduling.

PURPOSE: _____

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

SUBMITTAL REQUIREMENTS – The following must be submitted with the correct application fee:
One (1) completed application form signed by property owner(s) or lessee(s); AND arrange the following into fifteen (15) packets:

- Detailed Development plan in accordance with Section 19.06 c.) of the Concord Zoning Resolution;
- Current list of all property owners (with complete, current mailing addresses) within 200 feet of exterior boundaries of the land for which the action is requested;
- Plot plan and subject property showing the proposed location of the structure or change (all drawings must be to scale and must be folded to fit into letter size folder);
- Any other supporting documentation in regard to this application;
- Vicinity Map and Aerial Photo of Lot(s); AND
- Conversation with applicant regarding easements _____ applicant initials.

APPLICATION NUMBER: _____ **DATE FILED:** _____

ADDRESS OF PROPERTY: _____

NAME OF APPLICANT: _____

ADDRESS OF APPLICANT: _____

PHONE: _____ **EMAIL:** _____

NAME OF OWNER: _____

ADDRESS OF OWNER: _____

PHONE: _____ **EMAIL:** _____

PRESENT ZONING: _____ **PRESENT USE:** _____

DESCRIPTION OF REQUEST (LAND/STRUCTURE USE): _____

The undersigned certifies that this application and the attachments thereto contain all information required by the Zoning Resolution and that all information contained herein is true and accurate and is submitted to induce the amendment of the Zoning Map or Zoning Resolution. Applicant agrees to be bound by the provisions of the Zoning Resolution of Concord Township, Delaware County, Ohio.

Owner/Lessee: _____

Date: _____

Received and Accepted by: _____
(Zoning Inspector)

Date: _____

Application Team

Applicant / Author:

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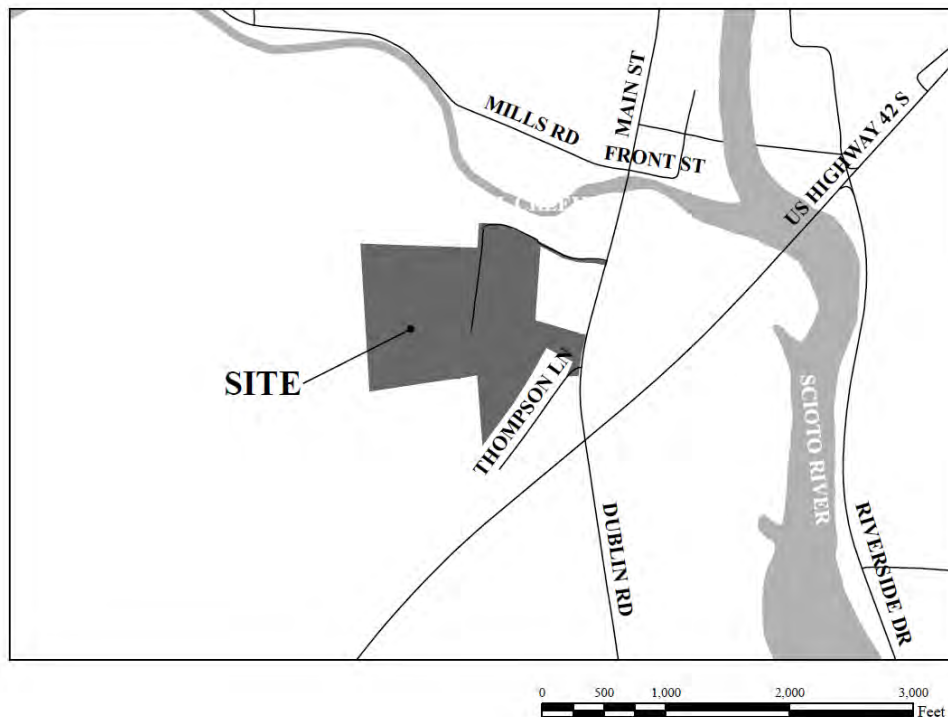
Development Text

The following zoning text shall apply to 36.830 acres of the Avasar LLC property as the approved Planned Commercial and Office District (PCD) restrictions. This text indicates clarification, divergence, or additional restrictions related to the development and maintenance of the property. Unless specifically contradicted or modified herein, the provisions of the most recently adopted Zoning Resolution shall control this development.

The information presented below, and in the exhibits attached with this application, establishes the requirements for the development of this PCD zoning. The information provided below is presented in response to the requirements established in the Concord Township Zoning Resolution. The restatement or summarizing of the text of the currently effective Concord Zoning Resolution is presented in this application for format and informational purposes only; no change or modification of the text is intended or will occur as a result of the consideration or approval of this application. Boxed and bolded text following that zoning text indicates a response, explanation, clarification, divergence, or additional restriction, etc. related to that code provision.

The subject property has a total area of 41.839 acres, being parcel number 500-320-02-016-000 and 500-320-02-017-000 in Concord Township, Delaware County, Ohio. The property address is 4910 State Route 257 South, Delaware, Ohio 43015. The site is located in Zone X (Area of Minimal Flood Hazard) on FIRM Panel No. 39041C0210L dated 12/20/2023. The following location map is for reference. This application excludes a proposed 5.009 acre parcel that will retain Farm Residential District (FR-1) zoning classification, as defined herein. A complete legal description and survey is attached as Exhibit 1 and Exhibit 2.

Location Map



Summary of Proposed Rezoning

Avasar LLC plans to retain and expand the agricultural use of this property with agritourism activities including planned private events. Prior to purchasing the property in the Fall of 2023, the new owners approached Concord Township Zoning Officer to inquire about expanding the agricultural use of the property to include some agritourism activities under the trade name, The Emerald Farm. The farm plans will pay tribute to this property’s agricultural history. The Emerald Farm will repurpose pastures for production crops, vineyards, lavender fields, vegetable gardens and other horticultural production.

It was determined that much of the proposed use would be exempt from zoning, but that the main barn may necessitate commercial rezoning, since it is to be used primarily for banquet activities (mostly weddings). To facilitate occasional events, the proposed change of use will include new access to State Route 257 South where the property has suitable road frontage. The existing driveway will be used for direct access to the 5.009 acre parcel that will retain FR-1 zoning and may contain a future single-family residence. The gated access to this property will only be used for emergency access and occasional maintenance in regards to the proposed use. No vendor or customer traffic will be permitted on the existing common access driveway. The owner will implement a maintenance agreement, as committed in Exhibit 3 included herein.

The proposed property coverage is broken down as follows, **with retained buildings in bold:**

LAND USE	QUANTITY (SQ. FT.)	QUANTITY (ACRES)	PERCENTAGE OF TOTAL
BUILDINGS	28,554	0.656	1.8%
Building A - Banquet Barn (70' x 180'banquet area +32' x 72' service area + 8' x 20' x 2 restrooms)	15,224		
Building B - Offices & Hospitality (old house)	3,150		
Building C - Storage Barn (20' x 70')	1,400		
Building D – Chicken Coop (10' x 14')	140		
<i>Building E – Maintenance Building (24' x 150')</i>	<i>3,600</i>		
<i>Building F – Maintenance Building (24' x 150')</i>	<i>3,600</i>		
<i>Building G – Prep Kitchen (24' x 30')</i>	<i>720</i>		
<i>Building H – Banquet Storage (24' x 30')</i>	<i>720</i>		
OTHER COVERAGE	175,206	4.022	10.9%
<i>Area I – Deck in Woods (50' x 50')</i>	<i>2,500</i>		
<i>Area J – Fishing Deck (50' x 50')</i>	<i>2,500</i>		
<i>Driveways and Parking Areas</i>	<i>120,000</i>		
<i>Sidewalks and Walkways</i>	<i>50,000</i>		
<i>Dumpster Pad</i>	<i>200</i>		
<i>Road Pavement</i>	<i>5,850</i>		
OPEN SPACE	1,400,555	32.152	87.3%
<i>Greenspace</i>	<i>1,396,055</i>		
<i>Water Features</i>	<i>4,500</i>		
TOTALS	1,604,315	36.830	100.0%

Commercial Activity Proposed

Emerald Farm Inc. will allow for private reservations for banquet events (limited to weddings) in conjunction with agriculture and agritourism activities on this property. Event capacity will average 150 to 200 attendees with a capacity of 300 guests. Shared parking will be provided in a gravel lot that is primarily used for the agritourism activities and occasionally used for banquets.

Permitted Use and Standards for Buildings

The following chart outlines permitted uses, required setbacks and other restrictions applicable to each building permitted in the proposed development. **Bold buildings are pre-existing and *italics buildings are proposed.***

Buildings	Maximum Sq. Ft.	Minimum Setbacks	Permitted Use
Building A - Banquet Barn (70' x 180' banquet area, 32' x 72' entry area and two (2) 8' x 20' areas including restrooms)	15,224 sq. ft.	F = 600 ft. S = 200 ft. R = 900 ft.	Wedding Event Gathering Space, Restrooms & Changing Rooms
Building B - Offices & Hospitality (existing house)	3,150 sq. ft.	F = 1,000 ft. S = 200 ft. R = 600 ft.	Office for business activities relative to Emerald Farm and temporary lodging for up to 12 people (wedding party)
Building C - Storage Barn (20' x 70')	1,400 sq. ft.	F = 1,000 ft. S = 500 ft. R = 700 ft.	Storage of agricultural equipment, supplies and property maintenance equipment.
Building D – Chicken Coop (10' x 14')	140 sq. ft.	F = 1,200 ft. S = 200 ft. R = 500 ft.	Animal Husbandry, limited to poultry (chickens, turkeys, quail, pheasant, etc.)
<i>Building E – Maintenance Building</i> (24' x 150')	3,600 sq. ft.	<i>F = 1,200 ft. S = 500 ft. R = 600 ft.</i>	<i>Storage and maintenance of agricultural equipment, supplies and property maintenance equipment. Seasonal horticultural activities.</i>
<i>Building F – Maintenance Building</i> (24' x 150')	3,600 sq. ft.	<i>F = 1,200 ft. S = 25 ft. R = 500 ft.</i>	<i>Storage and maintenance of agricultural equipment, supplies and property maintenance equipment. Seasonal horticultural activities.</i>
<i>Building G – Prep Kitchen</i> (24' x 30')	720 sq. ft.	<i>F = 550 ft. S = 200 ft. R = 1,000 ft.</i>	<i>Area for prep and preparing food before after it is cooked and before it is served to customers.</i>
<i>Building H – Banquet Storage</i> (24' x 30')	720 sq. ft.	<i>F = 800 ft. S = 200 ft. R = 850 ft.</i>	<i>Storage of tables, chairs, decorations, linens and other non-food supplies for the banquet facility.</i>

F = Front Setback (measured from centerline of State Route 257 South).

S = Side Setback (measured from nearest property line).

R = Rear Setback (measured from rear of the property, opposite of State Route 257 South).

Permitted Land Use by Subarea

The following is a descriptive summary of subareas delineated on Sheet 3 of the development plan with specific permitted uses by subarea and other restrictions applicable to each area:

Subarea	Summary	Estimated Area	Permitted Use
Area "K"	Banquet Facility "A", Prep Kitchen "G" and Banquet Storage "H" and surrounding entrance and service areas.	5.5 acres	This area will be used for wedding events. All activities shall maintain a 100-foot setback from neighboring residential property and shall otherwise comply with the standards of this development text and the regulations of Concord Township, including noise ordinances. Includes parking for vendors, employees, accessible parking, retention pond and dumpster pad.
Area "L"	Parking Lot	1.0 acres	This area shall be maintained as dust free gravel parking with 100 designated spaces designed to otherwise comply with the Concord Township Zoning Resolution and compliant with standards of the Concord Township Fire Department.
Area "M"	Maintenance Barn "F" and adjoining pasture area.	1.5 acres	Storage of agricultural equipment, supplies and property maintenance equipment. Adjacent area to contain fruit trees, grape vines or other plants to provide vertical screening.
Area "N"	Existing Pond, Fishing Deck "J" and adjoining pasture area.	2.0 acres	Stocked fishing pond. Adjacent area to contain fruit trees, grape vines or other plants to provide vertical screening.
Area "O"	Central Pasture.	9.0 acres	Alfalfa, wheat production or other field crop that can be bailed or agriculturally harvested.
Area "P"	Proposed Orchard at rear of property.	1.5 acres	Apple, pear and other fruit orchards for commercial production.
Area "Q"	Wooded Preserve and property entrance drive.	12.0 acres	This area will be for growth and production of existing woodland, while providing a scenic corridor for installation of the proposed entrance. A field of lavender or similar planting to be in the open prairie between Area K and the proposed driveway.
Area "R"	Office and Hospitality Area in old residence "B"	1.5 acres	This area will be maintained with the appearance of a single-family house with surrounding grass lawn, permitting yard activities around the prior residence "B"
Area "S"	Small Animal Husbandry around Chicken Coop "D"	0.5 acres	Area dedicated to poultry husbandry and production.
Area "T"	Vegetable Garden and horticulture Activities in and around Storage Barn "C" and Maintenance Building "E".	2.0 acres	Germination, planting, care and harvesting of vegetable garden plants for use at events and/or occasional sale to the public.

Uses are limited to those specifically identified herein. All other uses shall be considered prohibited.

Restrictions on Agricultural and Agritourism Activity

The members of Avasar LLC, Chanakya Gandhi and Arindam Guha, purchased this property with the opportunity to continue and expand pre-existing horticulture and animal husbandry activities, while providing access to visitors through agritourism activities.

All uses specified herein other than the banquet facility and occasional hospitality lodging are permitted in accordance with Ohio Revised Code (ORC) §519.01 as “agriculture”, which defines agriculture to include:

As used in sections 519.02 to 519.25 of the Revised Code, "agriculture" includes farming; ranching; algaculture meaning the farming of algae; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; and the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

In accordance with Ohio State Law, the proposed use of the residual of this property may be all or partially exempt from restriction by Section 6.02 of the Concord Township Zoning Resolution. Details for the agricultural use of the property are included in the development plan for voluntary review, compliance and reference, because the commercial banquet business will operate on the same property as the proposed agricultural and agritourism activity.

Hours of Operation

Events will be held between 9:00 a.m. and 10:00 p.m., with outdoor activities limited after dusk. Proposed events will be held seasonally, in accordance with demand. Traditionally, eighty percent (80%) of events are held between May and September, when weather permits outside activities. The other twenty percent (20%) are held between October and December prior to winter weather and activities will not be regularly scheduled between January and April, except for smaller events that can be planned around weather. The property manager will also act as a security officer and be responsible for maintaining a 24-hour, 7 day a week security system with cameras monitoring all entrances, exits and areas of regular activity. All guests will only be permitted during the hours mentioned herein. All guests will be asked to leave prior to 10:00 p.m. and any staff and vendors may be onsite for up to one (1) hour after close to clean and secure the facility.

Signs shall be posted to make guests aware of the Concord Township Noise Resolution and applicable standards to ensure it is enforceable by the owner and proper authorities. Guests observed violation of the hours of operation and Concord Township Noise Resolution will be asked to leave, if they are not willing to comply. The Delaware County Sherriff's Office indicated they have authority to cite individuals if they do not comply or fail to leave the site when asked.

On-site Employees

The Emerald Farm will employ up to three (3) full-time employees and up to three (3) parttime employees who may report to work onsite. Full-time employee roles will be (a) sales manager, (b) property manager, and (c) maintenance worker. Part-time employees will assist in these roles.

Any other activities, including food service will be performed by outside vendors. It is expected that another five (5) to six (6) vendors may be onsite at any time during regular hours of operation to prepare for and cater to events. Vendors may offer valet service on occasion with vehicles being parked in the shared lot. Staff, vendor, and accessible parking will be located directly adjacent to the main facility.

Projected Trip Generation

The project traffic engineer completed the attached traffic study and obtained ODOT approval of such, being attached as Exhibit 11. The owner will coordinate with ODOT to install a left turn lane on State Route 257 South at the direction of ODOT. ODOT has reviewed the traffic study and offered a few review comments that the applicant has accessed. ODOT indicated that the proposed parcel subject to this rezoning must be recorded in separate ownership before they will approve a separate driveway. The comments are otherwise addressed in the attached copy of the traffic study.

Water Service

Water service will be extended from existing Del-Co Water main on State Route 257 South with the driveway construction. A water pressure study was conducted and included with this package, to demonstrate water supply available for potential fire suppression for the main facility and supporting fire hydrants, if required by the Concord Township Fire Department during engineering plan review.

Projected Wastewater Treatment

In accordance with typical business activities highlighted in OAC 3745-42-05 regarding design flow and waste strength requirements for treatment works sized for one hundred thousand gallons per day or less, the following highlights the projected wastewater treatment demand.

The Delaware Public Health District has reviewed and approved project feasibility, in accordance with the presented development plan.

Proposed Lighting

Existing lighting will be maintained and the following light fixtures will be added with at least a 15 foot setback from neighboring property lines, properly shielded and screened to ensure no light will penetrate or glare across property lines.

Low voltage walkway lights will be limited to two (2) feet in height and downcast at a consistent spacing along pedestrian corridors between the facility and parking lot.

LED PATHWAY LIGHT

BRONZE FINISH — METAL CONSTRUCTION

Assembled Dimensions
5" DIA x 22.7" H
13.5" DIA x 37.4" H

5 YEAR WARRANTY

PATHWAY LIGHT BRIGHTNESS SCALE: 1 7 10
FLOOD LIGHT BRIGHTNESS SCALE: 1 7 10

5 in DIA / 12.7 in DIA

16.1 in H / 40.9 in AL

6.6 in H / 16.7 in AL

Warning: Disturbance to the Meter

LIGHT PATTERN

LIGHTING PERFORMANCE: PATHWAY LIGHT	
RENDIMIENTO DE ILUMINACIÓN: LUZ PARA SENDERO	
3	Watts (Power Consumed) Watts (Energía consumida)
150	Lumens (Light Output) Lúmenes (Emisión de luz)
2900K Warm Amber	3000K Warm White
3000K Warm White	5000K Bright White
5000K Bright White	6000K Cool White

Parking and driveway lights will be limited to eight (8) feet in height and downcast. The following fixtures will be proposed or something comparable. All lights will be set back at least 15 feet from property lines to be outside of the area of shed and to ensure there is no glare.

Farmhouse Outdoor Lantern with Post or Wall Mount

- Perfect for lighting outdoor settings
- One-light lantern with a hammered shade offers a rustic touch
- Two-toned metal finish gives warmth and beauty while amplifying illumination
- Coordinates with other Englewood outdoor fixtures to add an aesthetically-pleasing appeal to farmhouse and rustic exteriors
- Finished in statement-making Black with a copper interior finish
- Measures 16 in wide X 13-1/2 in height, extends 12 in
- Dark Sky compliant and UL Safety listed for use in wet locations
- Uses one 100-watt max medium base bulb, or LED equivalent, that is sold separately
- Includes installation instructions and mounting hardware
- Fits 3 in post that is sold separately
- Progress Lighting products are designed for exceptional quality, reliability, and functionality



Diameter: 12"
 Height: 13-7/16"
 Depth: 16"

Category: Outdoor

Finish: Black (Painted)

Construction: Steel Construction

7 foot tall matching aluminum post can be installed with photocell to allow for dusk to dawn operation, installed on timers and with motion sensors to allow for dimming when there is no activity in the area.

MOUNTING	ELECTRICAL	LAMPING	ADDITIONAL INFORMATION
Post top - fitter for 3" post or pedestal mounted	Pre-wired 6" of wire supplied 120 V	Quantity: One 100w max. Medium Base E26 base Porcelain socket	cCSAus Wet location listed

Lights are only proposed along pedestrian and vehicular corridors. Spacing will be determined based on functional use.

The following illustration highlights the proposed impact of area lighting.



Compliance with Comprehensive Plan

The Concord Township Comprehensive Land Use Plan, amended October 13, 2021, area properties out as “42 Corridor Overlay” and recommends limited commercial and office development as centralized sewer becomes available. The plan also calls for such non-residential development to be directed toward existing intersections and encouraging multi-tenant planned developments.

The proposed use will provide a viable economic use of the existing infrastructure on this property today and provide for a future development opportunities on adjacent properties in keeping with the comprehensive plan.

Development Standards

The following text represents the current Planned Commercial and Office District standards of the Concord Township Zoning Resolution, per Article XIX and the applicant's response and commitment to the standards follows text in boxed text.

Section 19.01 - Purpose

The Township 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 Township hereby provides for the Planned Commercial and Office 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 and safety of the inhabitants of Concord Township.

The proposed development is in keeping with the purpose of the proposed district.

Section 19.02 - Application

The provisions of this article of the Zoning Resolution may be applied only to lands of the Township that have been approved for a zoning map amendment to PCD. An owner of the land in the township that is served by centralized water and sanitary sewer may submit an application of change to PCD zoning under the provisions of this Article. The action of the Township upon an application processed pursuant to this section shall be considered a legislative act, subject to referendum.

In keeping with other approvals for the PCD within Concord Township, the proposed use has public water (see water capacity study in Exhibit 7) and will utilize a commercial septic system until such time that sanitary sewer is extended to this site. The proposed use does not demand the need for sanitary sewer at this time, as evidenced in Exhibit 6 attached herein.

Section 19.03 – Permitted Use(s)

Within the Planned Commercial and Office District (PCD), the following uses, developed in strict compliance with the approved development plan and standards, shall be permitted. The precise use or type of use of the tract shall be specified in the plan as submitted and approved.

- 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.

This commercial use will be limited to a 300-guest banquet facility in Building "A" with support of Buildings "G" and "H", providing wedding event space with a prep kitchen facility. Building "B" will contain a small business office and existing bedrooms in the residence may be utilized for occasional lodging for guests, in conjunction with the use of the banquet facility.

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

This use will not be permitted in this zoning district.

- c) Commercial establishments normally associated with and intended to service the traveling public with motels, service stations, restaurants, travel trailer parks and overnight parking or any other allied activity.

This use will not be permitted in this zoning district.

- d) Hospitals, medical facilities, nursing homes and convalescence homes.

This use will not be permitted in this zoning district.

- e) Medical, dental, optical, and psychological services.

This use will not be permitted in this zoning district.

- f) Kindergarten or child care facilities.

This use will not be permitted in this zoning district.

- g) Other Commercial ventures not provided by this or other sections of this Resolution if approved as part of the plan.

This use will include agriculture and agritourism activities, in accordance with Ohio Revised Code (ORC) §519, including:

- Production of flowers, fruits and other field crops, including production of horticulture, plants for marketing. Planting lavender and other flowers for commercial sale and use at events;
- Viticulture activities;
- Converting pasture space to apple and pear orchards for commercial production;
- Five (5) foot wide gravel paths constructed around the site where visitors can enjoy farm activities and farm fresh produce during events;
- Fish farming in on-site ponds;
- Sale of fruits, flowers and other horticultural produce; and
- Other minor tourism activities focused on agriculture, consistent with the uses identified on the development plan and in the narrative text of such.

- h) Wholesale Business, storage and warehouse.

This use will not be permitted in this zoning district.

- i) Multi-Family structures or residences, when the same are specifically designed as part of the architecture of the structure in a village setting. All living units constructed within this district shall contain the following minimum floor space, to wit:

One (1) bedroom unit	800 sq. ft.
Two (2) bedroom unit	950 sq. ft.
Three (3) or more bedroom units	1,000 sq. ft.

Customary Home Occupations, which are clearly incidental and secondary to residential use, conducted by the resident of a permitted dwelling are subject to the requirements of Section 21.12.

This use will not be permitted in this zoning district.

- j) Temporary structures such as mobile offices and temporary buildings of a nonresidential character may be used incident to construction work on the premises, or on adjacent public projects, or during a period while the permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply, as he/she deems necessary. The fees for such permit and renewals thereof shall be established by the Township Trustees. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit. No temporary structure shall be occupied as a residence.

This use will not be permitted in this zoning district.

Section 19.04 – Reserved for Future Use

Section 19.05 – Prohibited Use(s)

- a) Any use not specifically authorized by the express terms of this article of the Zoning Resolution shall be prohibited.
- b) Outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days is prohibited. Said vehicles, if stored on the premises, shall be enclosed within a building so as not to be visible from any adjoining property or public road. This prohibition shall not apply to new or used motor vehicles stored or displayed pursuant to a legal sales or repair activity if such activities are carried out in compliance with the approved plan.
- c) Except as provided in the plan of development, not trailer, boat, motor home nor equipment of any type shall be parked in front of the front building line on any lot within this district. If a structure is located on the lot the building line shall be considered to be the front wall of the structure even if said structure is located behind the minimum

building line established by this Resolution, the restrictions in the plat or deed or the development plan.

- d) Except as specifically permitted in Section 19.030, or in the approved development plan, no mobile home or mobile office structure shall be placed or occupied in this district. Modular structures in compliance with the Ohio Building Code of Ohio and designed for placement on a permanent foundation are acceptable.

Section 19.06 – Procedure

In addition to any other procedures set out in this Resolution, all applications for amendments to the zoning map to rezone lots to this PCD district shall follow the procedures hereinafter set forth:

- a) Application - The owner(s) or lessee(s) of a lot(s) within the Township may request that the zoning map be amended to include such lots in the Planned Commercial and Office District in accordance with the provisions of this Resolution.

The applicant is submitting the “property”, herein defined, for consideration of a zoning change from FR-1 to a Planned Commercial and Office District (PCD).

- b) The applicant is encouraged to engage in informal consultations with the Zoning Commission and the County Regional Planning Commission prior to formal submission of a development plan and request for an amendment of the zoning map, it being understood that no statement by officials of the Township or the Regional Planning Commission shall be binding upon either.

The applicant has met with the Delaware County Regional Planning Commission and the Zoning Commission prior to application to discuss this proposal on numerous occasions.

- c) Development Plan - Ten (10) copies of the development plan shall be submitted with the application, which plan shall include in text and map form:
 - 1) The proposed boundaries, size and location of the Planned Commercial and Office District drawn to scale.

The described 36.83 acre rezoning is highlighted herein by legal notice and scaled exhibit.

- 2) The general development character of the lots including the limitations or controls to be placed on all uses with lot sizes, minimum setback requirements, structure location and other development features including landscape.

The development character is consistent with existing structures and will be entirely compliant with the approved development plan.

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

The proposed development will include agricultural-looking structures which are primarily pole barn construction with steel roofing and wood or steel siding, as highlighted in the development plan.

- 4) The proposed provisions for water, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness.

The site will be served by Del-Co Water and onsite septic treatment. Serviceability confirmation will be provided prior to approval from Del-Co Water Company and the Delaware Public Health District. Soil tests for soil suitability have been completed in February 2024 and we are awaiting the formal report to submit for review to service the main facility. Other buildings do not require wastewater treatment and may use existing well(s) for agricultural water supply.

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

A new entrance is proposed on State Route 257, where a prior access appears to have been previously vacated for use of the common access driveway (CAD). Access to the existing CAD is gated and will be maintained for use by the single-family residence on the adjacent property. All traffic for the proposed commercial use and agritourism will utilize the new driveway, though the gated access will provide for emergency access, if ever needed, as requested by the Concord Township Fire Department in Exhibit 8. Likewise, the new driveway will provide emergency access for all existing residences on the existing CAD by allowing access to the new commercial driveway. The applicant has engaged Carpenter Marty Transportation to seek ODOT support for the new access location. ODOT District VI reviewers indicated that the new driveway permit may be issued after this parcel is split off separate from the existing common access driveway, as they do not allow for more than one entrance to parcels along State Route 257 South.

- 6) The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable. Include a list of owners and addresses whose property is contiguous to and directly across from the applicant's property according to the most recent County Auditor's tax list.

PROPERTY OWNER:

AVASAR LLC
4910 STATE ROUTE 257 S
DELAWARE, OH 43015

ADJACENT PROPERTY OWNERS:

ROBIN & ROBERT HARRIMAN
4890 STATE ROUTE 257 S
DELAWARE, OH 43015

JOHNNY A. & JAMES A. STOYCHEFF
4902 STATE ROUTE 257 S
DELAWARE, OH 43015

NANCY K. KRUEGER
4908 STATE ROUTE 257 S
DELAWARE, OH 43015

DAVID J. & MELISSA D. HAWK
4916 STATE ROUTE 257 S
DELAWARE, OH 43015

BRETT S. & TERRI M. ALLEN
4920 STATE ROUTE 257 S
DELAWARE, OH 43015

PEIRSOL FAMILY PARTNERSHIP
4474 FRY ROAD
OSTRANDER, OH 43061

CHARLES E. OWENS
5244 THOMPSON LANE
DELAWARE, OH 43015

CODY D. BALL
5210 THOMPSON LANE
DELAWARE, OH 43015

PHILLIP M. STOWERS
5182 THOMPSON LANE
DELAWARE, OH 43015

GILLMAN L. R. A. PARKS
5164 THOMPSON LANE
DELAWARE, OH 43015

JOHN R. & RHONDA L. MILLER
5120 THOMPSON LANE
DELAWARE, OH 43015

AMY I. & STEVEN W. ROHRER
5100 THOMPSON LANE
DELAWARE, OH 43015

COREY & SARAH GANTT
5109 THOMPSON LANE
DELAWARE, OH 43015

BELLPOINT UNITED METHODIST
CHURCH
5092 STATE ROUTE 257 S
DELAWARE, OH 43015

BELLPOINT UNITED METHODIST
CHURCH
5303 STATE ROUTE 257 S
DELAWARE, OH 43015

MICHAEL LEE ALBERTINI
4994 STATE ROUTE 257 S
DELAWARE, OH 43015

ROBERT W. HARRIMAN
4952 STATE ROUTE 257 S
DELAWARE, OH 43015

- 7) The proposed size, location and use of parks and other public facility sites, if any, and their proposed ownership.

No parks or public facility sites are proposed.

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

After zoning approval, engineering plans will be presented to necessary county and state agencies for approval, prior to construction. It is expected that plan approval and permitting will take 4 to 6 months and construction will follow with another 4 to 6 months.

- 9) If the proposed timetable for development includes developing the land in pleases all pleases 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 text form in a manner calculated to give township officials definitive guidelines for approval of future pleases.

All grading will be completed in a single phase and building construction will commence within two (2) years of rezoning approval and be completed entirely within five (5) years of rezoning approval. It is estimated that construction will take 2 to 3 months to complete after grading and utility plans are approved by Delaware County, so it is likely to be complete within one (1) year.

- 10) The ability of the applicant to carry forth his/her plan by control of the land and the engineering feasibility of the plan. If the applicant is not the owner, the applicant must have written authorization from the owner.

The applicant owns the property and improvements will be funded by the applicant. The property deed is included as Exhibit 3 herein. If additional evidence of financing is requested, it may be provided. Actual bids for construction will be secured after the plans are approved.

- 11) Specific statements of divergence from the development standards in Article XXI or existing county regulations or standards and the justification, therefore. Unless a variation from these development standards is specifically approved, the same shall be complied with.

The following divergences are being requested with this application:

1. Section 21.01(b) – Parking (Paving) Applicant seeks divergence from the requirement to pave all common parking areas and adjacent aisles or driveways. The applicant will ensure the driveway is paved with asphaltic material or concrete within 500 feet of State Route 257 South. That will prove such to the gate at the entrance and ensure pavement up to the dumpster service location where there is adequate area for turnaround outside the gate. Beyond the first 500 feet the applicant would provide compacted gravel driveways treated to ensure they are dust free, maintained free of ruts and potholes. The applicant will otherwise comply with the standards of Section 21.01.
2. Section 19.06(g) – Applicant requests the ability to split the proposed PCD lot after approval and prior to occupancy through the traditional lot split process and does not feel that a plat is necessary, nor should be required.

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

No public service facilities are proposed in this development.

d) Criteria for Approval – In approving an application for a Planned Commercial and Office District, the reviewing authorities shall determine:

1) If the proposed development is consistent in all respects with the purpose, intent and general standards of this Zoning Resolution.

Yes, the project will provide for compliance with the standards of the Concord Township Zoning Resolution and otherwise be approved per development plan details.

2) If the proposed development is in conformity with the comprehensive plan or portion thereof as it may apply.

Yes, as stated above, the project is compliant with the overall objectives of the comprehensive plan and will provide for a compliant redevelopment when centralized sewer becomes available. The existing and any future development plan for this site will preserve the agricultural heritage of the area and provide for safe access to State Route 257.

3) If the proposed development advances the general welfare of the township and the immediate vicinity.

Yes, the proposed use will provide for continued successful economic development in a growing community with property improvements, additional jobs and tax revenues that will support the surrounding community. The project provides for expansion of a use that is in high demand in the surrounding “high growth” areas of Delaware, Franklin and Union County. The Emerald Farm will provide a service that is popular with township residents, serving the local community.

e) Effect of Approval - The Development Plan as recommended for approval by the Zoning Commission and approved by the Township Trustees shall constitute an amendment to the Zoning Resolution 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 Delaware County, 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 property recorded and work on said development commenced within three (3) years, the approval shall be voided and the land shall automatically revert to the previous District unless the application for time extension is timely submitted and approved.

- f) Extension of Time or Modification - An extension of the time limit as a modification of the approved development plan may be recommended by the Zoning Commission and approved by the Township Trustees. Such approval shall be given only upon a finding of the purpose and necessity for such change or extension and evidence of reasonable effort toward the accomplishment of file original development plan, and that such extension or modification 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 file Township Zoning Inspector not later than ninety (90) days before the expiration of the three (3) year period prescribed in Section 19.06 (d) as hereinbefore set forth.
- g) Plat Required - In the Planned Commercial and Office 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 Delaware County, Ohio, and this Resolution. 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 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 right-of-way, parking areas and pedestrian ways; and land reserved for nonhighway 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 occupants, including those applicable to areas within the lot to be developed for nonresidential 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 recording of the plat, the owner of the project shall post a performance bond in favor of the appropriate public officers in a satisfactory amount ensuring 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 or use until such time that the facilities for the phase in which the building or use is located are completed.

A divergence is requested from this requirement, as stated earlier in this text. There is no necessity for a subdivision plat with this development project.

- h) Administration Review - All plats, construction drawings, restrictive covenants and other necessary documents shall be submitted to the Zoning Inspector or his/her designated technical advisors for administrative review to ensure substantial compliance with the development plan as approved. The Board of Trustees may, from time to time, establish fees to be deposited for each administrative review in order to defray the costs associated with such review.

The applicant hereby acknowledges that any request for change of use or building or structural coverage, including modifications within the areas delineated in the development plan or additional buildings or increased dimensions of such buildings, will constitute a major amendment of this plan and subject to review by the Zoning Commission and Board of Trustees, unless otherwise determined by the Zoning Commission after application.

Section 19.07 – Development Standards

In addition to any other provisions of this resolution, the following standards are required in this district:

- a) **Setbacks:** The physical relationship of the structure or use areas and their minimum yard spaces shall be developed in strict compliance with the development plan or the provisions of Article XXI unless a variance is approved.

Proposed building setback from State Route 257 is a minimum of 400 feet from edge of the road right-of-way and a minimum of 25 feet from all other adjacent property lines, or as specifically restricted herein. There is a 100 foot minimum building setback proposed from the residual FR-1 parcel.

- b) **Building Height Limits:** No building or structure in this district shall exceed four (4) stories or forty-five (45) feet in height. See Section 21.02 for exceptions.

Existing buildings will remain as they exist today and new buildings will be in compliance with this stated restriction on building height as evidenced by the building profile illustrations on the development plan.

- c) **Building Dimensions:** Buildings may contain such area of floor space as is approved in the development plan.

Maximum permitted building dimensions are depicted herein on the development plan and within this text. Strict compliance will be maintained.

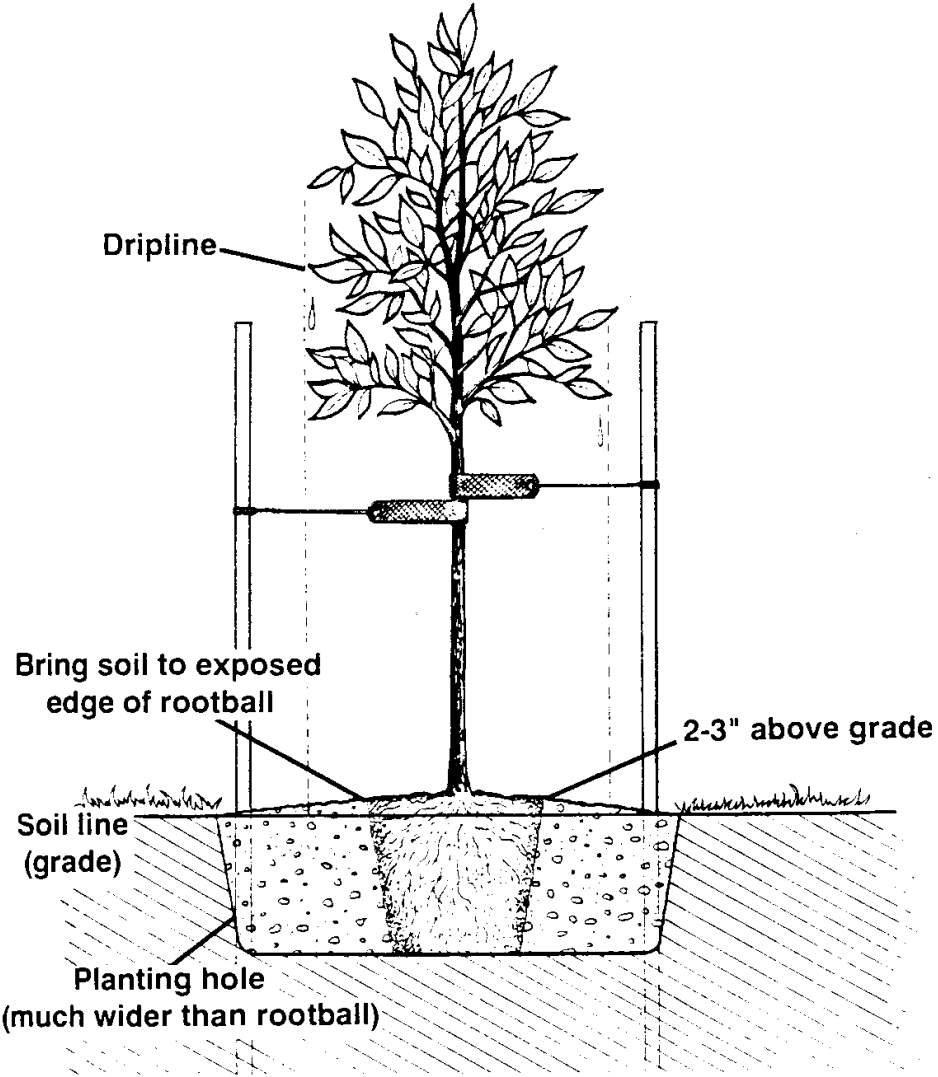
- d) **Landscape:** Article XIII applies. All yards, front, side and rear, shall be landscaped, and all organized open spaces or nonresidential use areas shall be landscaped. Such landscape plans shall be submitted with the subdivision plat and shall be subject to approval in the same manner required of the subdivision plat.

Proposed landscaping will include fifty-two (52) large trees planted in accordance with the development plan.

STANDARDS	PROPOSED COMPLIANCE
Perimeter Landscape Requirements	50% Winter Opacity + 70% Summer Opacity will be maintained on areas where the proposed rezoning abuts residential property that is not a part of the residual lot.
Property Perimeter Requirement	The perimeter will be preserved consistent with the development plan with complete compliance with the PCD standards requiring green buffers. The driveway entrance will at it's closest be 15 feet form the neighboring residential property due to the existing ravine in that area. Evergreen landscaping will be added to ensure compliance with the 10 foot perimeter landscaping requirements, as specified on the plan.
Vehicular Use Perimeter	Pavement will be maintained in compliance with the code.
Interior Landscape for Vehicular Use Areas (VUA)	There is over 30,000 square feet of green space preserved within the VUA in the PCD boundary, well in excess of the requirement. The planting requirements with 1 tree / 30 feet and a 6 foot high earth mound will be added along the eastern and southern edge of the proposed PCD use of the property to demonstrate further compliance as highlighted on the development plan.
Interior Landscape for Building Coverage	This standard would require almost 500 square feet of landscaping which is far exceeded by the plan for 30,000 square feet of green space.
Minimum Trees	The applicant is proposing to plant at least 52 trees to demonstrate 200% compliance with this standard. The code appears to require 26 trees, or 1 tree for every 5,000 sq. ft. of coverage, up to 50,000 sq. ft. + 1 tree for every 4,000 sq. ft. of coverage over 50,000 sq. ft.
Landscaping for Service Structures	The proposed dumpster will be fenced with privacy fence and a gate to achieve 100% opacity
Street Trees	The proposal is to maintain existing vegetation along the roadway as to minimize any change in appearance.

Commitment for tree replacement. Any tree removed during construction will be replaced with additional trees onsite of a total equivalent trunk diameter at chest-height.

All required trees to be planted will be at least two and a half (2.5) inches in trunk diameter at chest-height and will be planted in accordance with the following standards:



The proposed 52 trees and any tree replacement will be a variety of one of the following species, or equivalent:

- i. Arborvitae (*Thuja occidentalis*)
- ii. Niobe Golden Weeping Willow (*Salix alba* 'Niobe')

iii. Red Maple (*Acer rubrum*)

Any shrubs will be of the following variety or equivalent:

iv. Emerald Triumph Viburnum (*Viburnum* 'Emerald Triumph')

- e) Site Development: To the maximum extent possible, all-natural drainage courses, vegetation, and contours in excess of six (6) percent shall be maintained.

All natural drainage courses, vegetation, and contours in excess of (6) percent will be maintained in preparation of the grading improvement plans for this project.

- f) 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 according to the development plan. In preparing and approving the parking plan, the provisions of Article XXI of this Resolution shall, when appropriate, be incorporated.

The proposed facility will share off-street parking with the agri-tourism activity on the residual property. The capacity of the proposed facility will be determined during the building permit process and parking will be provided to ensure at least one parking space per three seats in accordance with public assembly requirements, which appears to be the most pertinent standard. A parking plan is provided demonstrating compliance with up to 100 parking spaces delineated.

- g) Signs: Except as provided under the provisions for home occupations or as controlled by Article XXII of this Resolution and except as recommended by the Zoning Commission and approved by the Trustees, no signs shall be permitted in this district except a 'For Sale' or 'For Rent' or 'For Lease' sign advertising the lot on which the said sign is located. Such sign shall not exceed six (6) square feet in area on each of two (2) sides. The owner or developer of a subdivision or similar area may, upon the conditions and for the time period recommended by the Zoning Commission and approved by the Trustees, erect one sign not exceeding forty-eight (48) square feet in area on each of two (2) sides advertising said subdivision, development or lot for sale.

The Stallion Ranch will be identified with a "farm sign" in accordance with Section 22.02(f) denoting the farm name and address. This will be limited to one (1) sign along State Route 257 at the entrance, no larger than four (4) square feet per side, with no more than two (2) sides. This sign will be pole mounted outside of the road right-of-way. No additional commercial signage is proposed with the PCD zoning.

- h) Construction and Maintenance of Improvements Within Right-of-Way: Unless otherwise specifically required by applicable law, the construction and maintenance of all improvements behind the curb line or the edge of pavement including but not limited to drainage improvements, landscape improvements, sidewalks and/or driveways approaches shall be the responsibility of the abutting property owner.

The proposed development will comply.

- i) Performance Standards: All uses within this district shall be in compliance with the provisions of Article XXI, Section 21.11.

The proposed use will comply.

- j) Special Conditions: The Township Zoning Commission and/or the Board of Township Trustees may impose special additional conditions relating to the development with regard to type and extent of public improvements to be installed; landscape, development, improvement, and maintenance of common open space; and any other pertinent development characteristics.

The applicant is open to discussion regarding any special conditions that may be desired.