

PLANK LAW FIRM

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May 8, 2026

Harrison Township, Licking County, Ohio
Attn: Valerie Hans
6750 Outville Road
Pataskala, Ohio 43062

Re: Submission of Modification to Planned Unit Development

Via email only

Dear Ms. Hans:

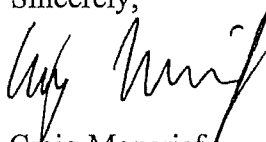
Harrison Township previously approved a Final Development Plan for approximately 281.28 acres of undeveloped property located north of I-70 and east of Outville Road in Harrison Township, Licking County, Ohio (the "Property"). This application seeks to clarify certain open space requirements contained within the previously approved Final Development Plan. Specifically, the proposed modification clarifies the required open space calculations and designated locations.

In support of this modification request, we submit the following documents with this letter:

- A Statement in Support;
- A redlined Zoning Text, dated March 4, 2026;
- A clean copy of the modified Zoning Text;
- A draft Declaration of Restrictions on Land; and
- A Preliminary Plan Exhibit, dated November 3, 2023, depicting the open space.

Thank you for your attention to this matter.

Sincerely,



Craig Moncrief
cjm@planklaw.com

Statement in Support

The Harrison Township Trustees approved a Final Development Plan involving 281.28 +/- acres of undeveloped property located north of I-70 and east of Outville Road in Harrison Township, Licking County, Ohio (the "Property") on July 26, 2022. The approved Final Development Plan required at least 30% of the Property's gross acreage to consist of open space. Applicant has filed this request to modify the Final Development Plan in order to dedicate 91.7 acres of the Property as open space (32.6%). The purpose of this request is to simply depict the open space and subject it to certain recorded restrictions, not to change the nature or layout of the proposed development on the Property. In order to effectuate the modification, we have filed this Statement in Support in addition to an amended Zoning Text, a map depicting the proposed open space, and a draft Declaration of Restrictions on Land (the "Declaration"), which will be recorded with the Licking County Recorder's Office.

The proposed modification will support the health, safety, and general welfare of the community by identifying the open space acreage on the Property and subjecting this land to restrictions that will prohibit development on the land. The Declaration will: (i) prohibit the construction of any above ground improvements or structures within the open space area, and (ii) require the maintenance of all existing trees within the open space area. Any floodplain located within the open space will remain buffered and undistributed. This modification will provide certain assurances to the township regarding the location and maintenance of open space on the Property while not subjecting the neighbors or community to any negative consequences. Applicant will still be required to file Phase Plan's for the township's review prior to constructing any building on the Property.

DECLARATION OF RESTRICTIONS ON LAND

This Declaration of Restrictions on Land (the "Declaration") is made as of this _____ day of _____, 2026, by Yearling Holding Company, an Ohio Corporation, as Trustee, and Lorraine N. Riddle, Trustee or her Successor(s) as Trustee of the Nelson Family Preservation Trust, dated August 8, 2016 (collectively, the "Grantor"), having a tax mailing address of 141 East Town Street, Suite 200, Columbus, Ohio 43215.

WITNESSETH:

WHEREAS, Grantor is the owner of 251.37 +/- acres of land situated in Harrison Township, Licking County, State of Ohio, commonly known as Licking County Auditor Tax Parcel Id. No.'s: 025-080076-00.000 and 025-080076-00.003, and located on Outville Road SW, Kirkersville, Ohio 43033, and being more particularly described on the legal description, attached hereto as **Exhibit A** (collectively, the "Yearling Property").

WHEREAS, Grantor previously rezoned the Yearling Property and 29.91 acres of adjacent land (the "Licking Regional Property") to the PUD, Planned Unit Development District, under the Harrison Township, Licking County, Ohio, Zoning Resolution. (The Yearling Property and the Licking Regional Property shall hereinafter be referred to collectively as the "Property").

WHEREAS, the Harrison Township Trustees approved a certain Zoning Text (the "Text") detailing the use and development standard requirements for the Property as part of the PUD, Planned Unit Development District, rezoning legislation (Resolution 2022 07 26 01).

WHEREAS, the Text requires at least thirty percent (30%) of the Property's gross acreage to be comprised of open space. The Property currently consists of 281.28 acres, which would require approximately 84.384 acres of open space.

WHEREAS, Grantor desires to dedicate _____ acres of the Property, as depicted in the exhibit attached hereto as **Exhibit B**, as open space (the "Open Space Area").

WHEREAS, Grantor desires to execute and record this Declaration to officially dedicate the Open Space Area in accordance with the requirements of the Text and the Harrison Township, Licking County, Ohio Zoning Resolution.

NOW, THEREFORE, in consideration of the above and the mutual covenants, terms, conditions, and restrictions hereinafter set forth in this Declaration, Grantor establishes and files this Declaration:

1. Recitals. The foregoing recitals are incorporated herein as if fully rewritten and set forth below.

2. Declaration of Restrictions of Land; Purpose. Grantor hereby declares that the Open Space Area shall be subject to this Declaration which shall run with the land and be binding on all heirs, successors, assigns, occupiers, and lessees. This Declaration provides that: (i) Grantor shall not build any structures or above ground improvements within the Open Space Area without the Benefitted Party's (as defined below) written permission except above ground improvements typically associated with passive or active recreational uses or utilities shall be expressly permitted; (ii) Grantor shall maintain existing trees in the Open Space Area; provided, however, that Grantor may remove trees that become diseased or hazardous to people or property; (iii) Grantor reserves the right to use the Open Space Area for, but not limited to, retention ponds, utilities (including overhead or underground utility lines), seating areas not improved with impervious surface, ditches, stormwater flow areas, conservation easements, buffer zones, preservation areas including archaeological significant areas, wetlands, ~~unimproved access lanes, recreation spaces, agricultural areas~~, lawns, landscaping, setback areas, and other similar or related uses consistent with the open space character and function of the property.

3. Enforcement. Harrison Township, Licking County, Ohio, acting through its Board of Trustees or their designees (the "Benefitted Party"), shall be the beneficiary of all the restrictions in this Declaration and shall be entitled to enforce the restrictions provided herein.

4. Maintenance. Grantor, or its successors, assigns, occupiers, or lessees, shall maintain the Open Space Area; provided, however, the Benefitted Party shall have the right to reasonably enter on the Yearling Property to maintain the open space if Grantor fails to fulfill its obligations to maintain.

5. Benefitted Party Acknowledgement. The Benefitted Party acknowledges through its signature to this Declaration that the restrictions as stated within this Declaration, comply with open space requirements as listed in the Harrison Township Zoning Resolution.

6. Perpetual Duration. The provisions of this Declaration shall be deemed to be covenants running with and binding the land comprising the Open Space Area and shall continue in perpetuity. This Declaration shall not be amended, released, extinguished or otherwise modified without the prior written consent of the Grantor or the successors and assigns as a subsequent owner of the Open Space Area and for the Benefitted Property except as provided in Section ~~12.b11.b~~.

7. Reserved Rights. Grantor reserves and accepts unto itself and its successors and assigns, all rights accruing from its ownership of the Yearling Property, including the right to engage in or permit or invite others to engage in all uses of the Yearling Property that are not expressly prohibited herein and are not inconsistent with the purpose of this Declaration.

8. Successors. The covenants, terms, and restrictions of this Declaration shall be binding upon and inure to the benefit of the Grantor, its representatives and heirs hereto, and its successors and assigns and shall continue as a servitude running with the Property in perpetuity.

9. Subsequent Transfers. The terms of this Declaration shall be incorporated (without the need for express reference) into any deed or other legal instrument by which Grantor divests itself by sale, exchange, devise, or gift of all or any portion of the Yearling Property. Upon valid sale or transfer of Grantor's ownership interest to a successor or assign, Grantor shall be released from any responsibility for

any violation of the terms of this Declaration caused by Grantor's successors or assigns or any third party which occurs subsequent to such sale or transfer.

10. Doctrine of Merger. Although this Grantor is making this Declaration as both the dominant and servient estate holder with Harrison Township, Licking County, Ohio as the Benefitted Property, the Grantor does hereby acknowledge and intend that (i) the doctrine of merger shall not apply, and that (ii) the restrictions granted under this Declaration shall not merge within, or into the larger fee simple estate of the Property.

11. Recordation. Grantor shall record this instrument in the Official Land Records of Licking County, Ohio. Grantor shall pay all recording costs necessary to record this Declaration in the Official Land Records.

12. Miscellaneous Provisions.

a. Severability. If any provision of this Declaration the application of it to any person or circumstance is found to be invalid, the remainder of the provisions of this Declaration and the application of the provisions to persons or circumstances other than those as to which it is found to be invalid, shall not be affected by the invalid provision.

b. Amendment. Notwithstanding any provisions within this Declaration to the contrary, Grantor, its successors and assigns, shall have the right to unilaterally amend or modify the location of the Open Space Area provided that (i) at least thirty (30) percent of the gross acreage of the Property is provided for open space, and (ii) the modification of the location of the Open Space Area is approved by Harrison Township through a Phase PUD Plan prior to the amendment of this Declaration.

c. Controlling Law. The interpretation and performance of this Declaration shall be governed by the laws of the State of Ohio.

d. Captions. The captions in this instrument have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon construction or interpretation.

[Grantor Signature and Notarial Page to Follow]

ZONING TEXT

Property Location: 281.28 +/- acres located east of Outville Road.

Licking County Auditor Tax Parcel Id. No.: 025-080076-00.000, 025-080076-00.003, 025-080076-00.001, and 025-080076-00.002 (collectively, the "Property").

Property Owners: Lorraine N. Riddle, Trustee or her Successor(s) as Trustees of the Nelson Family Preservation Trust, dated August 8, 2016, and S.R. 158, LLC, an Ohio limited liability company, and Southwest Licking Community Water and Sewer (now Licking Regional Water District)

Proposed District: PUD, Planned Unit Development

Date of Text: February 28, 2022

Revised: April 12, 2022

Revised: May 12, 2022

Revised: May 30, 2022

Revised: July 5, 2022

Revised: July 22, 2022

Revised: March 4, 2026

Revised: June 17, 2026

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I. BACKGROUND

The Property consists of 281.28 +/- acres and is generally located north of I-70, east of Outville Road SW, south of East Main Street, and west of Swamp Road SW. The Property borders I-70 to its south, agriculture to the east, Outville Road and agriculture and residential to the west, and residential and commercial to the north. The Applicant proposes to rezone the Property to the PUD, Planned Unit Development, District to allow industrial and commercial uses.

II. GENERAL DEVELOPMENT STANDARDS

1. **Open Space and Landscaping:** At least thirty percent (30%) of the Property's gross acreage will be comprised of open space. Applicant shall dedicate and restrict 30% of the Property through a Declaration of Restrictions on Land, which shall be recorded with the Licking County Recorder's Office. Thereafter, each Phase PUD Plan will be reviewed pursuant to Section II(4) of this Zoning Text to confirm that, in combination with the open space dedicated through the Declaration of Restrictions on Land, the total open space on the Property matches or exceeds 30% of the Property's gross acreage. ~~As part of this administrative review, previously designated open space areas may be adjusted, reconfigured, or relocated so long as the total open space on the Property continues to meet or exceed 30% of the gross acreage.~~ Grantor reserves the right to use the open space area for, but not limited to, retention ponds, utilities (including overhead or underground utility lines), seating areas not improved with impervious surface, ditches, stormwater flow areas, conservation easements, buffer zones, preservation areas including archaeological significant areas, wetlands, ~~unimproved access lanes, recreation spaces, agricultural areas,~~ lawns, landscaping, setback areas, and other similar or related uses consistent with the open space character and function of the Property. Open space will be delineated at the time of each Phase PUD Plan approval and made subject to the Declaration of Restrictions on Land.

Zoning Commission Recommendation July 7, 2026

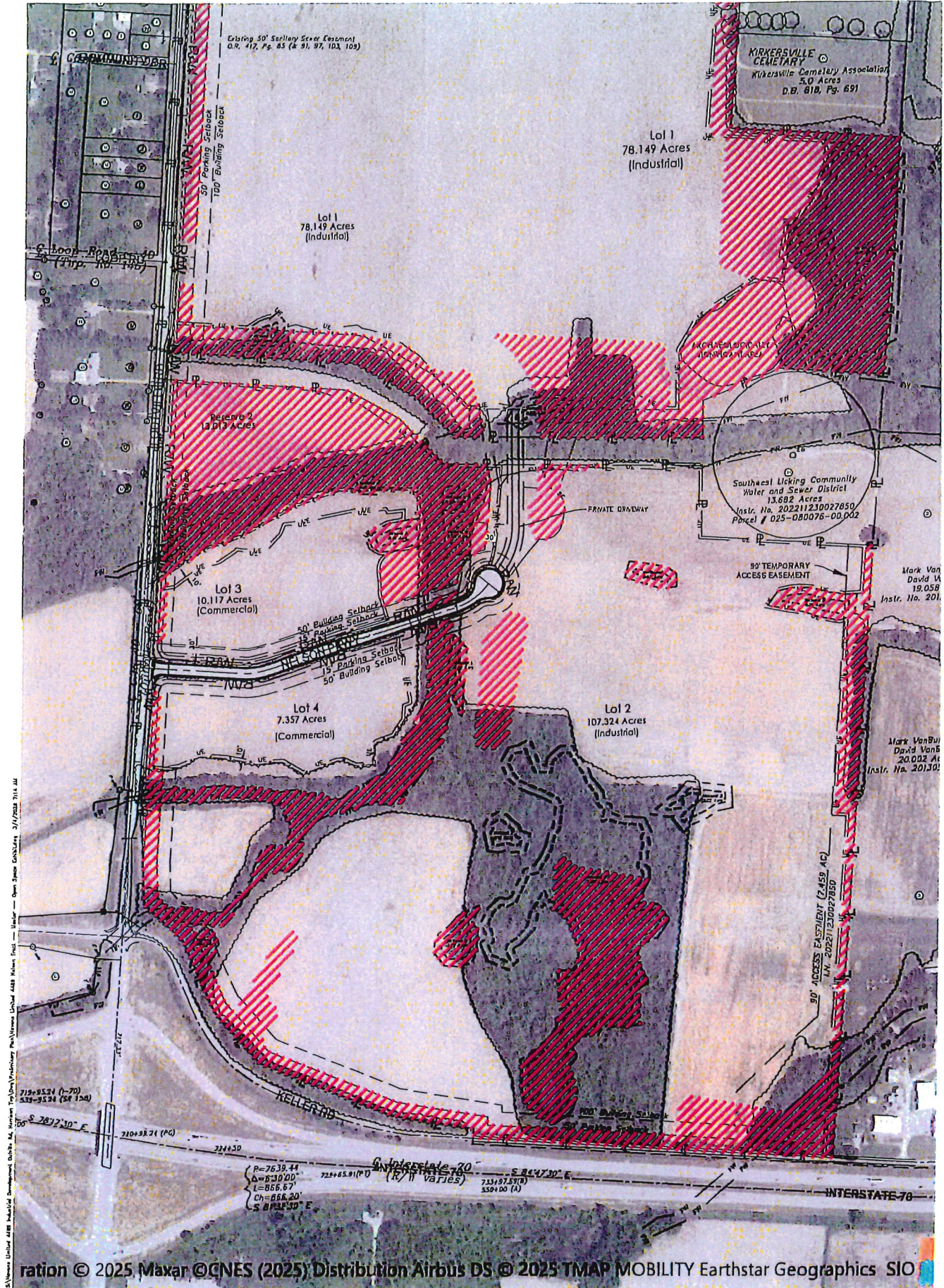
Ms. McLaughlin moved to recommend approval of the proposed modifications to the PUD for property located on Outville Road north of I-70 and east of Outville Road, consisting of 281.28 +/- acres, with the proposed modifications consisting of revisions to the Zoning text and inclusion of a Declaration of Restrictions on Land as submitted by the Applicant on June 17, 2026, subject to the following modifications.

Declaration of Restrictions of Land; Purpose. Grantor hereby declares that the Open Space Area shall be subject to this Declaration which shall run with the land and be binding on all heirs, successors, assigns, occupiers, and lessees. This Declaration provides that: (i) Grantor shall not build any structures or above ground improvements within the Open Space Area without the Benefitted Party's (as defined below) written permission **except seating areas not improved with impervious surface** above ground improvements typically associated with passive **or active** recreational uses or utilities shall be expressly permitted; (ii) Grantor shall maintain existing trees in the Open Space Area; provided, however, that Grantor may remove trees that become diseased or hazardous to people or property; (iii) Grantor reserves the right to use the Open Space Area for, but not limited to, retention ponds, utilities (including overhead or underground utility lines), **seating areas not improved with impervious surface**, ditches, stormwater flow areas, conservation easements, buffer zones, preservation areas including archaeological significant areas, wetlands, lawns, landscaping, setback areas, and other similar or related uses consistent with the open space character and function of the property.

Ms. Kelley seconded.

Vote: Christine Johnson-yes Gerald Arnott-yes, Laney McLaughlin-yes,
Tracy Kelley-yes, Douglas Williams-yes

The Modification Request and Zoning Commission recommendation will be submitted to the Board of Trustees on July 21, 2026.



PRELIMINARY PLAN
 11-03-23
 SD PROJECT NO.
 4489

OPEN SPACE

LEGEND
 UNDEVELOPABLE AREA
 UNDEVELOPABLE AREA (NORTHWEST PARCEL)

TOTAL OPEN SPACE AREA (INCLUDING NORTHWEST PARCEL)		OPEN SPACE AREA (NORTHWEST PARCEL)	
OPEN SPACE AREA	77.11 AC.	OPEN SPACE AREA	14.59 AC.
TOTAL AREA	251.36 AC.	TOTAL AREA	14.59 AC.
OPEN SPACE AREA PERCENTAGE	30.68%	OPEN SPACE AREA PERCENTAGE	100.00%

C2

These drawings are instruments of professional service by Senda Decker CPS, LLC for the designated project. Senda Decker CPS, LLC assumes no liability for unauthorized use of these drawings, specifications, and documents.