June 21, 2019

Berlin Township Zoning Commission
3271 Cheshire Road
Delaware, Ohio 43015

RE: Berlin Township Rezoning Application BZC 18-003 (the “Application”), concerning 301.944+/- acres located north of Berlin Station Road (the “Property”)

Zoning Commissioners:

I have been retained by Longhill Limited Partnership II (“Longhill”) to provide assistance in the pursuit of approval of the above-referenced Application. I will begin by thanking the Commission for the opportunity to have it reconsider its vote on the Application that was held on April 23, 2019. The purpose of my involvement at this stage of the review process is to provide a fresh perspective of the proposal in an effort to address outstanding matters of concern to the Commission. We hope that you will agree that the revised Application that is being filed along with this letter and will be presented to you on July 9th provides improvements which make it worthy of your approval.

Longhill’s focus since the last hearing has been on three elements of its proposal: Providing additional obligations in the text to assure that the portion of the development labeled as “The Enclave” will achieve the goal of being an “empty nester” community; continuing to strengthen the opportunities for the new community to be an “agrihood”; and reducing the number of divergences being requested from Zoning Resolution requirements.

The Enclave

In recognition of some Commissioners’ concerns that The Enclave portion of the development may not end up being an empty nester community with little impact on the school system, several changes have been made to the plan and commitments for this area. Most importantly, several requirements have been added to the zoning text:

- A property owners association, referred to as a “sub-association”, will be required to serve this portion of the development in addition to the master property owners association for the community. It will provide uniform maintenance of private yards and landscaping on the lots. This mandated service component is an important attribute of any empty nester community.
- All homes will be limited to 1 or 1 ½ story massing, with a minimum of two bedrooms, two bathrooms, and a laundry room mandated on the first floor, and no more than 1 bedroom being permitted on the upper ½ story of a home.

In addition, the minimum lot width in this portion of the development has been increased from 70 feet to 72 feet, and the text now commits to the Zoning Resolution’s minimum lot area requirement for these lots. This eliminates a divergence that previously had been requested for The Enclave.

Finally, 7 lots have been eliminated from the Enclave, reducing the total number of lots from 103 to 96. The lots which have been eliminated were closest to Berlin Station Road in the previous plan. By eliminating lots in this location, the rural character of Berlin Station Road is further preserved.

**Agrihood:**

The applicant recognizes the Commission’s desire to provide an “agrihood” component in this new community. In this regard, it has added rights and commitments in the zoning text that will incorporate a private community center/clubhouse with agricultural components in Reserve N near Berlin Station Road. This creates the opportunity to construct and operate an “agricultural community center” in this location. Reserve N has been further labeled as two “sub-reserves”, namely N-1 and N-2. Reserve N-1 consists of the portion of Reserve N located within 200 feet from the right-of-way of Berlin Station Road, and will be set aside for only agricultural uses with no structures permitted therein. Sub-reserve N-2 requires the construction of the agricultural community center with a minimum of 2,500 square feet of space. This represents a new commitment to a square footage for this amenity. At least 1,500 square feet of the building must be conditioned space. Unconditioned or conditioned space can be provided to serve the agricultural uses in both sub-reserves for various purposes such as storing equipment and crops and providing a place where agricultural operations can be based.

The required agricultural community center must have an architectural design that is barn-like in appearance. This requirement, along with the fact that the building must be located at least 200 feet from the Berlin Station Road right-of-way, will further enhance and retain the rural character along this roadway. Additional commitments have been made to prohibit any exterior recreational improvements other than pedestrian connections and patios from being located between the building and Berlin Station Road. For instance, a pool and parking areas must be located behind the front façade of a building. This promotes the rural character of the Berlin Station Road corridor.

**Divergences:**

With the revised Application there are only three remaining divergences from the Zoning Resolution being requested. One of them is very minor, in that it requests two signs for the development and an extension of the time during which these signs may remain in place from 1 year to the first date when at least 90% of the homes in the development are built or the permanent entryway features for the project are installed. Given the amount of acreage within
the community and the time it will take to construct the homes to be located there, these requests are reasonable and necessary in order to properly market the development.

One of the other requested divergences concerns a reduction in the required minimum side yard for lots in The Enclave from 12.5 feet to 8 feet. The residents that will be attracted to The Enclave do not live in their side yards but instead value having no maintenance responsibilities for their lawn and access to community amenities such as usable open spaces. Residents do not tend to make any productive use of their side yards, and the expectation of buyers in an empty nester community is that side yards will be smaller than typical suburban lots. This divergence allows for the diversification of the product types in the overall community. *See Exhibit A that accompanies this letter for an illustration of this divergence.*

The other remaining requested divergence is to allow the measurement of lot width so that it may be made at the building line with an associated reduction in required lot width from 80 feet to 72 feet. This divergence applies only to The Enclave area. It is justified based on the type of community being created, as smaller lots are the norm for empty nester communities. The reduction in lot width is only 10% from that which is typically required in the Zoning Resolution and is a critical component to delivering the type of product and neighborhood that is being proposed. *See Exhibits B and C that accompany this letter for an illustration of this divergence.*

**Summary:**

The updates and revisions to the development plan and zoning text since the Commission’s last hearing are significant and meaningful. However, these latest changes also should be viewed through the lens of comparing where this proposal started to where it is right now. While the latest reduction in density is from 489 lots to 482 lots, originally the proposal included 531 lots. Therefore, 49 lots have been eliminated since the Commission’s first review.

As to The Enclave portion of the proposed development, the minimum lot area requirement of the Zoning Resolution is now being met. Lot widths have been increased by two feet, and the side yard setback has been increased from a minimum of 6 feet to a minimum of 8 feet. In addition, the new commitments to home layouts will further ensure that this aspect of the community will be attractive only to empty nesters.

And finally, the number of divergences being requested at one time was eight, and now the application only contains three such requests. This is remarkable for a property of this size. The divergences will provide for the delivery of an overall project that has many amenities for its residents than would otherwise be possible if no divergences were requested.

Very truly yours,

Aaron L. Underhill
DIVERGENCE 2 - MEASUREMENT OF LOT WIDTH
57 / 482 LOTS (12\%)