

BERLIN TOWNSHIP TRUSTEES

7:00 p.m. Special Meeting August 28, 19

HELD AT: Berlin Township House, 3271 Cheshire Rd., Delaware, OH

CALL TO ORDER: Ken O'Brien, Trustee Chairman

PLEDGE OF ALLEGIANCE: Ken O'Brien led the Pledge of Allegiance

ROLL CALL: Ken O'Brien, Tom D'Amico Absent, Ron Bullard and Claudia Smith, Fiscal Officer.

ATTENDANCE: Connie Lodge, Molly Gwin, Terry Andrews, Jack Martin and Theresa Fuller

PUBLIC COMMENT: None

Hearing for BZC Case 16-003 Westfield Lakes

O'Brien introduced BZC case # 16-003, 16-009 & 16-010 Piatt Preserve East & West. Molly Gwin attorney for the applicant gave an overview of the plans that included major modifications, which were approved by the Berlin Township Zoning Commission on July 23, 2019. The price range for the homes in Piatt Preserve West will be \$375,000 up to \$425,000. Ranch homes will be 1,500 square feet and two story homes will be 2,000 square feet. Homes in Piatt Preserve East will be higher because the lots are larger and the valuations will range from \$400,000 to \$500,000. She stated that based on feedback from the BZC and the trustees they made the following changes:

- They will commit to 20% side load garages at a minimum.
- They are also proposing a tot lot play area in Piatt Preserve East with a multi-use path; they are proposing only one HOA for both Piatt Preserve East and West.
- The former open space is now a no build, no disturb zone subject to deed restrictions, which allows for less maintenance for the HOA and allows for a safer approach and greater visibility.
- Street trees will also be placed on the lots and not in the right-of-way.
- Drainage ponds will have aerators.
- They have also committed to addition screening on the south side of property between Cheshire and Gregory Road.

They are requesting that they swap phase two and three and do phase three as phase two and phase two will now be phase three. This will allow Horton to start building.

O'Brien asked for clarification on the notes located on the Preliminary Development Plan that states; sidewalks will be provided on both sides of every public right-of-way Gwin said they are not committing to any sidewalks along Piatt Road but there are 5 foot sidewalks proposed within the entirety of the development. She stated that this note is incorrect. O'Brien also questioned the note stating; all community improvements shall be completed prior to zoning permit issuance. O'Brien asked if this preliminary plan is what the BZC approved and Gwin said it was.

They discussed a number of other items that O'Brien and Bullard wanted clarification on and asked Gwin to write up these changes, sign it and it would be added as an exhibit.

O'Brien asked if there was anyone that wanted to speak in favor of or in opposition of the amendments. Hearing none they took a 10 minute recess at 8:30 p.m.

O'Brien called the special meeting back to order at 8:48 p.m. He then recessed BZC Case 16-003, 16-009 & 16-010 Westfield Lakes until 8:55 p.m. and called to order BZC Case 19-003, Revisions to the Zoning Text.

Hearing for BZC Case 19-003 Revisions to Berlin Township Zoning Resolution

RESOLUTION 19-08-15 APPROVE ACCEPTING CASE BZC 19-003, REVISIONS TO THE ZONING TEXT, ALONG WITH EXHIBITS 5 THROUGH 8 DATED AUGUST 28, 2019

Motion: Bullard
Second: O'Brien

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Vote: O'Brien yes and Bullard yes

**RESOLUTION
19-08-16**

**APPROVE ACCEPTING THE BZC'S RECOMMENDATION
FOR CASE BZC 19-003, REVISIONS TO THE ZONING TEXT
AND ALL EXHIBITS THROUGH 8, AND MODIFY THE ZONING
BOOK PER THEIR RECOMMENDATION**

Motion: Bullard
Second: O'Brien
Vote: O'Brien yes & Bullard yes

**RESOLUTION
19-08-17**

**APPROVE CHANGING THE DATE ON THE DECISION TO
REZONING APPLICATION TO JULY 23, 2019**

Motion: O'Brien
Second: Bullard
Vote: Bullard yes and O'Brien yes

Gwin read the amendments that they were agreeing to and they were entered into the record as exhibit 11.

EXHIBIT 11

**ADDITIONAL EDITS TO PIATT PRESERVE EAST AND WEST PRELIMINARY
DEVELOPMENT PLAN AS COMMITTED TO BY WESTPORT HOMES, A DIVISION
OF D.R. HORTON ON AUGUST 28, 2019**

- 1.) The Applicant will commit to all homes in Piatt Preserve West and Piatt Preserve East having architectural style garage doors.
- 2.) The Turnover Date from the Developer to the Homeowners' Association shall occur at 90% turnover of lots from the developer to subsequent owners. Such change is reflected in the proposed deed restrictions, which shall state: "The Association shall be governed by a Board of Trustees, consisting of three (3) persons. Prior to the date that the Developer elected to transfer control of the Association to the Lot Owners (the "Turnover Date"), the members of the Board shall be appointed by the Developer, or the Developer may elect to act as the Board, or it may appoint a managing agent to act as the Board on its behalf. No members, other than the Developer, shall have voting rights in Association matters until the Turnover Date, nor shall any meetings of the Members be required prior to the Turnover Date. Voting and all other matters regarding the governance and operation of the Association following the Turnover Date shall be set forth in the Association Documents. Nothing contained herein or in the Association Documents shall be interpreted or construed to limit the right of the Developer to cause the Turnover date to occur any time prior to or after the time Developer ceases to own ten percent (10%) of the remaining lots in the subdivision."
- 3.) The Developer shall commit to a 10' walkable flat space within the common areas around each of the ponds from the rear of the lot owner's property line to the bank of the pond.
- 4.) All homes shall be constructed with full natural materials. Natural material shall be defined as brick, natural or manufactured stone, stucco, natural or engineered wood siding, or cementitious siding with painted or stained finish. The maximum amount of stucco allowed on any front façade shall be thirty percent (30%).
- 5.) As per the commitment in the Piatt Preserve Zoning Text, sidewalks shall be located on both sides of the street along all the interior streets per Delaware County standards. Sidewalk connections shall be provided to allow homes to access open spaces.
- 6.) The Developer shall request that the County Engineer ensure safe crossing on Piatt Rd. to the tot lot as located in Reserve K.
- 7.) The Developer shall provide at least one (1) fountain per pond located on the property.

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- 8.) The Applicant will commit to stone facing on head walls and drainage structures located in the ponds.
- 9.) Note number three on the preliminary development plan shall be adjusted to state, "Prior to any building permits issuing, all improvements including but not limited to ponds, roads, common (located along open spaces) sidewalks, open space, utilities shall be completed on a per phase basis."
- 10.) Cluster mailbox units shall be placed in Piatt Preserve West in common areas identified as Reserves "B," "I," and "E" on the area opposite the fire plugs and adjacent to the sidewalks. Cluster mailbox units in Piatt Preserve East shall be placed in Reserve K. If individual mailboxes are permissible, all mailboxes shall be uniform.
- 11.) For additional screening at Cheshire and Gregory Road, the applicant will commit to ten (10) additional deciduous trees of 2.5" caliper, and ten (10) additional evergreen trees, to be a minimum five feet (5') to six feet (6') in height.
- 12.) Lots 1-6; 17-19; and 50-53 shall be have a 50' perimeter setback with a 25' encroachment for patios, decks, porches, landscape structures and 15' encroachment for accessory buildings. In no event shall any above ground structure be constructed within 35' of the rear property line.
- 13.) The Applicant has committed to 20% side load garages. The ratio of permits issued shall not exceed 80% of front load garages at any time during the development of Piatt Preserve East and West, collectively.
- 14.) Statement of divergences: Piatt Preserve West shall have no divergences. Piatt Preserve East shall have a divergence to allow the lot area to be reduced to a 15,000 sq. ft. minimum. Piatt Preserve East shall allow the side yard setback to be reduced to 12'-6" on all lots. Piatt Preserve East shall allow the rear yard to be reduced to a 35' minimum on all lots.
- 15.) The final plat for Piatt Preserve East and West shall reflect the following language: "There will be no above ground structures permitted in any existing or proposed easement area."
- 16.) The Developer may develop Phase I and Phase II simultaneously. Phase I shall consist of 49 lots in Piatt Preserve West. Phase II shall consist of 22 lots in Piatt Preserve East. Phase III shall consist of 33 lots in Piatt Preserve West. For purposes of clarification, the phasing plan shall be amended to reflect that Phase III is now Phase II, and Phase II is now Phase III.
- 17.) The Piatt Preserve homeowners' association shall be responsible for the maintenance of the multi-use path along Piatt Road.
- 18.) The language on the preliminary development plan, and final development plan for Piatt Preserve East and West shall be adjusted to state: "Five-foot (5') sidewalk to the school property. Location subject to school board approval."

**RESOLUTION
19-08-18**

**APPROVE ACCEPTING EXHIBITS 7 THROUGH 11 FOR BZC
CASES 16-003, 16-009 & 16-010 WESTFIELD LAKES AND
MAKE IT PART OF THE PUBLIC RECORD AND PART
OF THE APPLICATION**

Motion: Bullard
Second: O'Brien
Vote: Bullard yes and O'Brien yes

**RESOLUTION
19-08-19**

**APPROVE CLOSING CASES BZC 16-003, 16-009 & 16-010
WESTFIELD LAKES AT 10:06 P.M.**

Motion: O'Brien
Second: Bullard

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Vote: O'Brien yes and Bullard yes

RESOLUTION 19-08-20 APPROVE ACCEPTING BZC'S RECOMMENDATION FOR BZC CASES 16-003, 16-009 & 16-010 WESTFIELD LAKES, BASED UPON THE INFORMATION PRESENTED INCLUDING ALL THE EXHIBITS AND THE REQUEST OF THE APPLICANT FOR CHANGES ENUMERATED IN EXHIBIT 11

Motion: O'Brien
Second: Bullard
Vote: O'Brien yes and Bullard yes

RESOLUTION 19-08-21 MOTION TO ADJOURN

Motion: O'Brien
Second: Bullard
Vote: Bullard yes and O'Brien

Meeting adjourned by Chairman O'Brien at 10:07 P.M.

Ken O'Brien, Trustee

ATTEST:

ABSENT

Tom D'Amico, Trustee

Claudia Smith, Fiscal Officer

Ron Bullard, Trustee

EMERGENCY MEETING

Bullard requested an emergency meeting at 10:08 p.m. to discuss appropriating funds for a sewer tap fee. Bullard said he meet with the Sewer District and was told that they would set us up as a commercial property. He asked Smith to get a years' worth of water bills and send it to them.

RESOLUTION 19-08-22 APPROVE AUTHORIZING RON BULLARD TO SPEND UPTO \$10,000 PLUS HIS ALLOTTED AMOUNT THAT TRUSTEES ARE AUTHORIZED IN THE ORGANIZATIONAL MEETING, TO GAIN A TAP FOR SEWER AND ANY ASSOCIATED FEES AND FURTHER AUTHORIZE HIM TO EXECUTE ANY DOCUMENTS TO MAKE THAT HAPPEN

Motion: O'Brien
Second: Bullard
Vote: Bullard yes and O'Brien yes

RESOLUTION 19-08-23 MOTION TO ADJOURN

Motion: Bullard
Second: O'Brien
Vote: Bullard yes and O'Brien yes

Meeting adjourned by Chairman O'Brien at 10:12 P.M.

Ken O'Brien, Trustee

ATTEST:

ABSENT

Tom D'Amico, Trustee

Claudia Smith, Fiscal Officer

Ron Bullard, Trustee

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