

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

REGULAR MEETING

JANUARY 10, 2017, 7:00 PM

1 This meeting was held at the Berlin Township Hall, 3271 Cheshire Road, Delaware, Ohio
2 43015.

3 **CALL TO ORDER**

4
5 The meeting was called to order by Chairperson Toni Korleski at 7:00 PM.

6
7 Mr. Valentine led meeting attendees in the pledge of allegiance.

8
9 BZC present: Toni Korleski, Jerry Valentine, Steve Spangler, Ken O'Brien, Mike Bardash
10 (1st alternate member, seated).

11 Also present: Zoning Clerk Lisa Knapp; Zoning Inspector Chet Heid; Zoning Secretary
12 Cathy Rippel; BZC 2nd alternate member Martin Johnson.

13 Not present: BZC member Darcy Kaplan.
14

15 Ms. Korleski read the adopted BZC policy statement for the meeting, as printed in the
16 agenda.
17

18 **AGENDA ITEM: LEGAL NOTICE**

19
20 Ms. Knapp said the meeting was advertised in the 12/28/16 Delaware Gazette, as follows:
21

22 **BERLIN TOWNSHIP ZONING COMMISSION**
23 **NOTICE OF PUBLIC HEARINGS**
24

25 The Berlin Township Zoning Commission will hold a meeting for the purpose of public
26 hearings January 10, 2017 at 7:00 p.m. at the Berlin Township Hall located at 3271
27 Cheshire Road, Delaware, OH 43015 in order to consider an application to amend the
28 Berlin Zoning Resolution, designated as BZC 16-011, filed by Brookdoc Investments
29 LLC, 250 Broad Street, Columbus, OH 43215 The applicant is requesting approval of a
30 preliminary & final development plan known as Cottages at Northlake Woods, Parcel
31 #41811001034000 from Planned Commercial Distrust (PCD)/Farm Residential District
32 (FR-1) to Transitional Planned Unit Development (TRUD), 19.93 ± acres, 0 N Three B's
33 & K Road, Sunbury, OH 43074.
34

35 Also, an application to amend the Berlin Zoning Resolution, designated as BZC 16-012,
36 filed by Lee Kun Roh and Kyung Ju Roh; David C. Davis and Martha L. Davis, M/I
37 Homes of Central Ohio LLC, c/o Underhill and Hodge LLC, Aaron L. Underhill, 8000
38 Walton Parkway, Suite 260, New Albany, OH 43054. The applicants are requesting
39 approval of a preliminary & final development plan known as The Pines to rezone from
40 Farm Residential District (FR-1) to R-2/Planned Residential District (PRD) 175.6 ±
41 acres, Parcels #41824001095000, 41824001094000, 41831001001000, 41831001002000,
42 41831001003000, 41831001004000, & 41831001005000, 1950 Lackey Old State,
43 Delaware, OH 43015. The text and map of this application will be available for public
44 examination, excluding legal holidays; December 28-January 10, 2017 Monday-Friday
45 from 9:00 a.m. to 2:00 p.m. at the Berlin Township Zoning Office located at 3271
46 Cheshire Rd., Delaware, OH 43015. Also, you can find the text and map on the Berlin
47 Township website www.berlintwp.us
48

49 After the conclusion of the hearing, the matter will be submitted to the Board of
50 Township Trustees for its action. Questions concerning this matter should be directed to
51 Chet Heid, Zoning Inspector at 740-548-5217 x103. The person responsible for giving
52 notice of the public meeting by publication is Cathy Rippel. **Township residents are**
53 **encouraged to attend.**
54
55

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56 *BERLIN TOWNSHIP ZONING COMMISSION*

57 *Toni Korleski, Chairman*

58

59

AGENDA ITEM: INTRODUCTION OF MEETING ATTENDEES

60

61 Ms. Korleski dispensed with the introduction of the audience due to the large number of
62 meeting attendees. She said there is a nice audience here and it was wonderful to see
63 them all. She said they need to come to meetings more often, and she noted that the BZC
64 recently increased the meeting times to twice per month. She asked them to make the
65 effort to come to meetings.

66

67

AGENDA ITEM: BZC 16-011 COTTAGES AT NORTHLAKE WOODS

68

69 *BZC 16-011, filed by Brookdoc Investments LLC, requesting approval of a preliminary &*
70 *final development plan known as Cottages at Northlake Wood, 0 N Three B's & K Road,*
71 *Sunbury, OH 43074, from Planned Commercial Distrust (PCD)/Farm Residential*
72 *District (FR-1) to Transitional Planned Unit Development (TRUD), 19.93 ± acres,*

73

74 Joe Ciminello, with Ciminello Inc., said he came before the BZC 2-3 times over the
75 summer for informal hearings and has now filed an application for the 19 acre property
76 with 50 units.

77

78 Mr. Ciminello said that Paul Koffel and Steve Schottenstein with Schottenstein Homes
79 were also present to answer questions regarding architecture and the like. They will be
80 the developer and will build all the homes in the development. Mike Reeves, an
81 environmental engineers/project manager with CEC, Inc. was present to answer questions
82 regarding the plans. Paul DeSantis, the Berkshire Township zoning board chair was
83 present to answer any questions as well as Mr. Weeth, assistant zoning inspector for
84 Berkshire Township.

85

86 Mr. Ciminello said that during the informal meetings he was asked whether he had
87 received approval in Berkshire Township for his planned mixed-use development, and he
88 said he did receive final approval from that zoning board last week. There had been
89 discussions regarding making the two parts of the project consistent with each other, and
90 he will be requesting a change based upon what was approved in Berkshire Township,
91 and he has also brought a landscaping drawing for the entrance out on 3 B's and K Road
92 per Delaware County Regional Planning Commission comments. He has also brought a
93 new plan to address the fire department's concerns including the location of fire hydrants
94 and the entrance on 3 B's and K Road.

95

96 Mr. Ciminello said that he noticed on the plan tonight that the landscaping screening plan
97 along 3 B's and K Road is referred to in two places, on the master plan and also is
98 referred to as Sheet L-5. However, in his packet, L-5 is missing; he noted that it is just a
99 larger version of the version in the master plan. Mr. Heid is making copies of that now.

100

101 Ms. Korleski said the items would be entered into the record as follows.

102

103 **EXHIBIT 1**

104 Ms. Korleski made a motion to enter Exhibit 1, Development Plan Site Plan, C-200 into
105 the record. Mr. O'Brien seconded the motion.

106 Vote: Korleski, yes; O'Brien, yes; Valentine, yes; Bardash, yes; Spangler, yes.

107

108 **EXHIBIT 2**

109 Ms. Korleski made a motion to enter Exhibit 2, Informal Entrance Plan on 3 B's and K,
110 into the record. Mr. Valentine seconded the motion.

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111 Vote: Korleski, yes; Valentine, yes; O'Brien, yes; Spangler, yes; Bardash, yes.

112

113 EXHIBIT 3

114 Ms. Korleski made a motion to enter Exhibit 3, Development Text with changes

115 highlighted. Mr. Valentine seconded the motion.

116 Vote: Korleski, yes; Valentine, yes; Spangler, yes; Bardash, yes; O'Brien, yes.

117

118 Mr. Koffel said that the areas highlighted in yellow are the minor modifications referring

119 to the major modification at the end in subsection U. A great deal of detail has been

120 added regarding development standards and architectural standards for the condominium

121 homes. This detail is identical to what was approved for the major part of the project,

122 which is located in Berkshire Township.

123

124 Mr. Ciminello said the other major change in the body of the text is in reference to model

125 homes to match those approved in Berkshire Township. The model homes do not use

126 off-street parking much and there are typically 1-2 cars there, so the text indicates that no

127 off-street parking is required for a model home and the model home can be open until the

128 development is entirely sold out instead of 90%. Divergences for those two items are

129 requested in the text.

130

131 Ms. Korleski said parking of two spaces in the driveway and two in the garage is

132 required. Mr. Ciminello said that is provided for all homes after built, but this is for the

133 model home, where the driveway is usually used as a walkway with planters and the like.

134

135 Mr. Ciminello distributed the larger version of Sheet L-110 to the BZC.

136

137 Mr. Ciminello said that the DCPRC had stated that the landscaping on 3 B's and K Road

138 is too formal, so Exhibit 2 is a revised plan that does not show the evergreens in a straight

139 line and more naturalizing annuals and perennials will be planted around the sign.

140

141 Mr. Ciminello said that Exhibit 3 addresses the fire department concerns for the Summit

142 Drive onto 3 B's and K Road, requesting one lane in and two lanes out, so it will have a

143 right and left lane out and one lane coming in. A fire hydrant is now shown at the

144 entrance and all hydrants are indicated as being no greater than 300' apart.

145

146 Mr. Ciminello said that he is requesting one more divergence at this hearing for the

147 sidewalks to be located on the back of the curbs. Because they are cluster-home lots they

148 are not very deep; the setback to the garage is 19' so two cars can be parked in the

149 driveway and two cars in the garage, and the front porches go down to 14' to the street so

150 the sidewalk would end up in the middle of that 14'. He is requesting that the sidewalks

151 be located right on the back of the curb.

152

153 Mr. Ciminello said these would all be private roads and that will be the only place the

154 sidewalks will be in that location. These are cluster homes and there is a shared-street

155 concept; people should feel comfortable walking in the streets as they are not true streets.

156 People are there because they live there or they are visiting somebody who lives there.

157 He said he committed to Berkshire Township that there will be sidewalks on one side

158 although he would prefer no sidewalks.

159

160 Ms. Korleski said in subdivisions, sidewalks are required on both sides, although she

161 understands the applicant is requesting a TPUD with cluster homes. Mr. Ciminello said

162 13.06 indicates that sidewalks may be required, so that could be dependent on the layout

163 of the homes. Mr. Koffel said that typically there are no sidewalks in condominium

164 communities because they are unnecessary.

165

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166 Ms. Korleski said there are three divergences requested.

167

168 Exhibit 4

169 Ms. Korleski made a motion to enter the screening plan of the plantings along 3 B's and
170 K Road as Exhibit 4. Mr. Valentine seconded the motion.

171 Vote: Korleski, yes; Valentine, yes; Spangler, yes; Bardash, yes; O'Brien, yes. Motion
172 carried.

173

174 Mr. Ciminello said the development is close to 20 acres with 50 units and a density of
175 about 2.84 units/acre which meets the TPUD requirements. The open space requirement
176 is 10% and he has provided over 12 acres of open space; the trees between the two
177 sections are being preserved as are the trees on the southern boundary. A few lots could
178 have been added but the developer decided to leave that all open space.

179

180 Mr. Ciminello said there would be large setbacks along 3 B's and K Road and there
181 would be 60% open space, preserving the majority of natural features on the site. It
182 should not be objectionable for 3 B's and K Road as there will be plenty of screening
183 including an additional 80 trees to be planted along that road. Past Summit Drive there
184 will be a rural look and there is around 3-4 acres on the north side that are totally
185 undeveloped and open.

186

187 Mr. Koffel said the streets within the community are private, but there is a roundabout.
188 Mr. Ciminello said that Summit Drive will be a public road; it will have a sidewalk that
189 meets the setback requirement.

190

191 Mr. Ciminello said the architecture shown is beautiful in a style that he is now building in
192 Dublin. The fronts will be all board and batten with cementitious board and it is the
193 equivalent to all-natural materials. The boards will be 16" wide with batten on the front
194 of the units throughout the community, the sidewalls will be high-quality vinyl. The
195 colors will be white with metal-look or shingled roofs.

196

197 Ms. Korleski said that the DCRPC (Delaware County Regional Planning Commission)
198 did not like the vinyl on the fronts of the units. Mr. Ciminello confirmed that originally
199 there was vinyl on the fronts.

200

201 Mr. Ciminello said it was equally as good quality but it was changed because the vinyl
202 product board were too close together.

203

204

COMMISSION CONSIDERATION

205

206 Mr. O'Brien said the DCRPC conditions included "Recommend an allowance of vinyl
207 siding as a finish material but only after providing specific samples for review by the
208 zoning commission." He asked for the samples. Ms. Korleski said vinyl was eliminated.
209 Mr. O'Brien said that was only on the front. Mr. Bardash said at that time the applicant
210 was requesting vinyl on the front and that has been removed now. Mr. O'Brien said that
211 may be but it will still be on the side of the units.

212

213 Mr. Schottenstein said he did not bring a sample but it would be a 4" horizontal siding of
214 4/10" or greater gauge.

215

216 Mr. O'Brien said he had suggested the county make north Four Winds Drive a county
217 road and he asked whether the applicant had attempted that. Mr. Reeves said the county
218 engineer officials including John Piccin have not committed either way; he met with them
219 again last week and there is still internal discussion regarding how Four Winds Drive will

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220 be handled as a thoroughfare replacement to 3 B's and K Road in the final development
221 plan.

222

223 Mr. O'Brien asked whether they still intended to install a cul-de-sac on both North 3 B's
224 and K and South 3 B's and K at U.S. 36/SR 27. Mr. Reeves said "no" and that the last
225 plan he saw made no commitments either way; the current plan for the north would be to
226 tie into a roundabout north of the Media Investments property so there would be not
227 access for this from the north. The southern connection is controlled by ODOT and the
228 county engineer will have to work with the state on that. He has heard multiple scenarios
229 including right-in/right-out only so access will be maintained and people will be diverted
230 to Four Winds Drive to make left hand turns at that signal.

231

232 Mr. O'Brien asked whether the applicant had requested Four Winds Drive be a county
233 road. Mr. Ciminello said he discussed it and asked them how they would handle that and
234 it was mentioned that it would be nice if it was a county road. However, their initial
235 pushback was that they did not want to commit to that.

236

237 Michael Reeves said he sent an email late last week, clarifying who would ultimately
238 maintain it, and Mr. Piccin said that until that is determined, maintenance has not been
239 determined.

240

241 Mr. Ciminello said that Four Winds Drive is in Berkshire Township. Mr. O'Brien said it
242 still brings traffic to Berlin Township and if it is "cul-de-sacced" it will affect residents
243 who live on 3 B's and K Road. Mr. O'Brien said the last time the applicant was here, the
244 roundabout was in Berlin Township and he asked whether the developer was committing
245 that it was all in Berkshire Township.

246

247 Mr. Ciminello said the red line indicates that. Mr. O'Brien said he has seen roads move
248 after developments are approved. Mr. Ciminello said that he is in final engineering and
249 the alignment has been set since preliminary and there have been no comments regarding
250 realigning anything. Mr. O'Brien said if this is approved, the location of the roundabout
251 moving would be a major change and the applicant would have to come back to the BZC.

252

253 Mr. O'Brien asked what the net developable acreage is. Mr. Ciminello said it was 17.58.
254 Mr. O'Brien said RPC refers to it as being a divergence at 2.84 units/acre even though 4
255 units/acre are permitted and he was not sure why a divergence was necessary.

256

257 Mr. O'Brien asked about the pond split between the two townships and he asked whether
258 any runoff goes off into that stream. Mr. Reeves said the existing pond is fed via a
259 stream, and the developer will collect the drainage, perform all storm water quality and
260 storm water detention controls, and the outlet for that basin will proceed to maintain the
261 flow to that stream and water will continue to feed through. All of the basins will outlet
262 directly to the stream and it will flow out at existing flow rates.

263

264 Mr. O'Brien asked whether the pond would get any larger. Mr. Reeves said "no" and that
265 the pond will not be touched. Mr. O'Brien asked whether there are any wet ponds
266 planned. Mr. Reeves said there are proposed wet ponds for storm water controls and he
267 pointed them out on the plan.

268

269 Mr. O'Brien asked that the headwalls and end-walls of those ponds have natural looking
270 stone for aesthetic reasons. Mr. Reeves said that should not be a problem and he would
271 work with the soil and water conservation district who will take over maintenance of that.
272 Any commitments would need to be subject to ultimate approval by that department
273 during final engineering. Mr. Ciminello committed to that.

274

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275 Mr. O'Brien asked whether there would be an aeration system. Mr. Reeves said there
276 would be, that fountains were indicated in the Berkshire Township plans and there will be
277 some kind of aeration. Mr. O'Brien said he wanted to ensure there would be fountains
278 and not just a small bubbler. Mr. Koffel said he would commit to that.

279

280 Mr. Spangler said that section 13.06 L.) of the zoning resolution does not allow vinyl
281 siding.

282

283 Mr. Ciminello said he did not think a divergence was necessary for that based on
284 conversations he had with Mr. Heid. Mr. Heid said at the time he did not think a
285 divergence for that was necessary.

286

287 Mr. Spangler asked about the mowing of the open space. Mr. Ciminello said there will
288 be an overall development association that maintains the major open spaces. Inside the
289 condominium area the condominium association will maintain the lawns, remove snow,
290 maintain the private streets, etc. Mr. Schottenstein said there will be a master association
291 that the single-family owners and condominium owners will be a member of. There will
292 also be an apartment complex that his company is not doing and that will be a member of
293 the master association as well, and that master association will maintain the open spaces
294 and the main thoroughfare.

295

296 Mr. Spangler said the drainage plan is marked as preliminary. Mr. Reeves said anything
297 up until submittal to the county engineer is considered preliminary. The preliminary
298 engineering plan was submitted to the DCRPC. After approval has been received by the
299 DCPRC and zoning, the developer will submit the final engineering calculations, which
300 are more cumbersome and detailed, to the county engineer to ensure they meet the
301 county's exact requirements. The county engineer has given its blessing for the drainage
302 patterns, and the location of the proposed basins, with the details to be worked out later.

303

304 Ms. Korleski said the TPUD district indicates that there should be 2 or more units per
305 structure but the applicant is planning custom homes that are individual units. Mr.
306 Ciminello said he discussed that with DCRPC director Scott Sanders. The definition of
307 cluster homes itself assumes that there will be individual units, and that section of the
308 code allows cluster homes. Ms. Korleski acknowledged that the language is not very
309 clear and she said she would prefer a cluster home.

310

311 Mr. Schottenstein said the market is moving away from 4 attached units to a singlefamily
312 home with full maintenance, and this development is geared towards empty nesters. Ms.
313 Korleski asked how far apart the units would be located. Mr. Schottenstein said they
314 would be 12' apart. Ms. Korleski said 25' minimum is necessary and she asked whether
315 it would be a divergence. Mr. Ciminello said he did not believe that was required and
316 that the concept behind the TPUD is that the units would be tighter together so they
317 would have more open space, such as the 60% proposed.

318

319 Ms. Korleski asked whether it was correct that he was requesting 12' between homes and
320 20' if one backs up to a side of a home. Mr. Ciminello said "yes". Ms. Korleski said she
321 did not see it. Mr. Ciminello said that is the standard. Mr. Schottenstein said the
322 setbacks are indicated in subsection U, item 13 of the materials provided at this meeting,
323 and they match the setbacks approved at Berkshire Township. Mr. Ciminello said the
324 text states a minimum of 10'; it was going to be 12' but due to surveyor issues or
325 overhangs, he requested 10'. The foundations will be set apart 12'.

326

327 Mr. Schottenstein said the answer to Ms. Korleski's question regarding units backing to
328 the side of other units is in subparagraph 5. Ms. Korleski asked whether the courtyard
329 garages would be attached. Mr. Schottenstein said they would be. Ms. Korleski asked

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330 how there would be room for side load garages. Mr. Schottenstein said a shared drive
331 would be necessary; it would be a courtyard entrance, which means it enters from the
332 center and not the side.

333

334 Mr. Valentine said these are all single-family dwellings. Mr. Schottenstein said they are
335 detached condominiums and there would only be one family per building. Mr. Valentine
336 asked whether the units would all have two-car garages. Mr. Schottenstein said that was
337 correct.

338

339 Mr. Bardash said the screening plan mentions mounding and he asked whether there
340 would be mounding along 3 B's and K Road as well. Mr. Reeves said that would be
341 dependent upon the final location of the new sanitary sewer that will run along the east
342 side of 3 B's and K Road; he can work with the sewer district to allow a mounding that
343 will be over the pipeline.

344

345 Ms. Korleski asked whether the path shown on the screening plan connects the two areas.
346 Mr. Ciminello said that was correct and that there is a leisure path that connects through
347 the natural area to connect the two developments then connects the sidewalks that
348 connect to the sidewalk along Four Winds Drive, and there is also a crossing that
349 connects to the leisure path that connects all the way back to the larger pond. He said this
350 is shown on the master landscaping plan L-1.

351

352 Mr. Bardash asked whether the path would be 10' wide along Four Winds Drive. Mr.
353 Ciminello said that it is not; that was a request of the DCPRC and it is 8' wide. He
354 needed additional right-of-way to make the sidewalks 10', but they insist that it be
355 located outside of the right-of-way. The 8' wide path was approved in Berkshire
356 Township. The structures and retention ponds in the apartment area have made it very
357 tight. He was willing to sign an agreement with the county that the path would be
358 maintained by the homeowners association, and he believes the only reason they wanted
359 the path outside the right-of-way is due to maintenance concerns. Last week he received
360 an email that states the path must be outside of the right-of-way.

361 Mr. O'Brien asked who stated that an agreement could be made. Mr. Ciminello said he
362 was in the meeting with John Piccin, Aaron Scheiderer, and Mr. Logg. Mr. O'Brien said
363 the sewer letter states it is available for 18 months and discusses connections. The
364 northern part of the original map shows that it is in the district but not in the service area
365 and he asked that to be addressed. Mr. Ciminello said the map was changed and adopted.

366

367 Mr. O'Brien asked how much further to the north it would extend and noted that he was
368 asking for a big pipe. Mr. Ciminello said it goes nearly up to Berkshire Road and he
369 pointed it out on the map. There is another 125 acres PIND and under contract in
370 Berkshire Township and the sewer on that is planned to cover that entire area. The
371 tributary area does extend west of 3 B's and K Road, and further north than the 125 acres.
372 Mr. O'Brien asked whether it connects to the Africa Road pump station. Mr. Ciminello
373 said it did.

374

375 Mr. O'Brien said he had requested that roads not be v-shaped, and he asked whether that
376 had been determined yet. Mr. Reeves said they would not be inverted, v-shaped roads;
377 they will be regular crown roadways with catch basins on each side of the curb, or there
378 will be one curb higher than the other and grade all the way across. Mr. O'Brien was
379 satisfied with that answer.

380

381 Mr. Heid asked what the size of walkway between the bike paths is. Mr. Ciminello said it
382 is indicated as being 8' wide, made of mulch and other natural materials, and it will be a
383 maintained trail. Mr. Heid asked about the bike path along Four Winds Drive. Mr.

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384 Ciminello said the leisure path is on the east side and the sidewalk is on the west side, 8'
385 and 5' wide, respectively.

386

387

PUBLIC COMMENT

388

389 George Lawrence, 4555 North 3 B's and R Road, said he has spoken with the applicants
390 at one of the meetings at Berkshire Township, and he had questions about the flow of
391 surface water in the proposed development and it flowing west as it does now. The
392 applicant had stated that the water flowing west would not increase, but that the final
393 calculations have not been performed for the development of the retention basins. When
394 it rains, his property receives quite a bit of water across it, and when the rain is more than
395 a couple inches it remains on the property.

396

397 Mr. Lawrence said there is quite a bit of pervious area to the east of his property which
398 absorbs much of the water; that will change once homes are built on the property and he
399 wants to ensure the problem does not get worse. Mr. Ciminello said the law requires that
400 the runoff does not increase after a development is completed. The county will require
401 the submission of detailed plans that indicate how the flow will not increase and in fact
402 the flow over the neighboring property will probably be improved. Mr. Lawrence said
403 that the law is not always followed and he has seen an increase from the properties that
404 were developed to the north of him. Mr. Schottenstein said his intent is to comply with
405 all storm water regulations.

406

407 Don Wilcox, 505 N. 3 B's and K Road, said for the past 6 months there has been digging
408 on the Marathon pipeline, which goes directly through this project and he asked what
409 impact that 50' right-of-way will have on this project. Mr. Ciminello pointed out the
410 pipeline and said he is maintaining a 100' easement. He has been in contact with them
411 and they know the location of the roads in the neighborhood. He will work with them in
412 the future on elevations. There will be a slight incline to the roundabout and a slight
413 decline because the cover on top of the pipeline must be maintained. Mr. Reeves has
414 been working and corresponding with Marathon on coordinating utility and road
415 crossings.

416

417 Jeff Graham, 187 N. 3 B's and K Road, said the drainage is a very important issue and he
418 suggested Mr. Reeves look at the topography map of the preliminary plan because the
419 water does not all flow from the pond to the creek above. According to the map, the flow
420 from 25 of the homes will flow across his property. There is a water easement that runs
421 south of there that drains all of the flow from the 25 homes. The pipe size had to be
422 increased because the water was not draining quickly enough from the farmland, so
423 adding homes will increase the flow.

424

425 Mr. Reeves said there is a pipe that crosses the road and all the water from those 25 home
426 will flow there. He noted that the final engineering plan will not deviate from the
427 preliminary engineering plan; it is just a matter of getting final review and approval from
428 the county engineer's office. He said there is a proposed detention basin immediately to
429 the west of the 25 homes and the proposed outlet structure, which has been approved in
430 the preliminary engineering plan. The outlet for the detention basis will outlet into that
431 creek, so the flow will not go to that pipe. Mr. Graham asked whether that easement
432 would be removed with this development.

433

434 Mr. O'Brien asked whether it was a county ditch. Mr. Graham said it is a waterway. Mr.
435 O'Brien asked whether it is a county-maintained ditch because that makes a difference.
436 Mr. Graham said "no" but that there is an easement on there to handle the flow of water.
437 Mr. Reeves said there is an existing 15" culvert, and chief engineering inspector Dan
438 Jennings has inspected all three culverts; the existing culvert, which is 15" or 24", was

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439 rated as being in “good condition,” the existing 42” pipe was rated as “good condition,”
440 and the existing pipe near Mr. Graham’s property was rated as being in “poor condition”
441 and will be replaced as part of this property. The actual flow to that pipe will be reduced
442 but it will not be removed as the roadside ditch for 3 B’s and K Road and it will still
443 receive flow directly from the pavement of 3 B’s and K Road. The flow from the
444 proposed development will be routed to the creek.

445

446 Mr. O’Brien asked whether there currently is a county ditch that goes through the
447 property. Mr. Reeves said there is a jurisdictional waterway that is currently not on
448 county maintenance but it will be placed on county maintenance as part of the
449 development plan. Mr. O’Brien asked whether the entire development would be on
450 county maintenance. Mr. Reeves said all detention basins and the creek will be placed on
451 county maintenance, and the individual storm structures in the private development will
452 not be on the county maintenance plan. The storm structures on Summit Drive and Four
453 Winds Drive will be put on the county maintenance plan, per discussions with the county.

454

455 Mr. Reeves said that Milt Link of the Delaware County Bureau of Soil and Water prefers
456 to see water running off of county right-of-way or a future township development put on
457 maintenance. However, for local storm structures in a private storm structure such as the
458 proposed condominium development, he will not take maintenance until the development
459 gets to the detention basin.

460

461 Mr. Graham said the applicant will be moving the water currently received by his
462 property up to the culvert north of his property, would the size of that culvert be increased
463 so it can handle both sides. Mr. Reeves said the detention basin will be sized to hold the
464 water and it will act like a small reservoir; the pond will fill and then the water will
465 slowly release at a rate less than the current condition, even with the modification of
466 drainage patterns.

467

468 Mr. Graham asked if he was aware that the drainage on his property was lower than the
469 creek to the north and he asked whether the water would go up hill. Mr. Reeves said he
470 was aware of that and the water would not go uphill. The topographic area for the open
471 field is the area for which the water will be caught, and the outlet structure for the stream
472 further down is lower. Mr. Graham said his property is lower than the stream to the north
473 and the applicant needs to review that. Mr. Reeves said that he will and that will be
474 reviewed during final engineering.

475

476 Mr. Graham said the applicant is seeking approval for a plan where there are many issues
477 involved that will affect the current residents, including the drainage, and also vinyl
478 siding. Ms. Korleski said it will go to final engineering for approval by the county. Mr.
479 O’Brien said the township does not have authority over the storm water engineering, but
480 it requires platting so the county engineer does have authority over it.

481

482 Mr. Graham said he would appreciate trees and mounding in order to screen his home so
483 he did not have to look at the back of the houses. He was concerned about houses 18 and
484 19 on the south side and he wondered about the driveways, which seem to extend past the
485 road. Mr. Reeves said that would be a shared driveway that wraps through that open
486 space.

487

488 Mr. Ciminello said that every road in the development is a private drive, and in this case,
489 only those two units will use that drive. All drives will be owned and maintained by the
490 condo association.

491

492 Mr. Graham said the cul-de-sac on 3 B’s and K Road is important given the volume of
493 traffic that this area will be receiving. That intersection is very dangerous and he wanted

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494 to see the dead-end installed so it does not go on to US Route 36/US Route 37 and he has
495 been waiting for the promised roundabout for 15-20 years.

496

497 Mr. Graham said that current residents would not have direct access to the bike path on
498 the south side between homes 12 and 13 that runs across and connects the two
499 developments, although he did not see where they could have access to that.

500

501 Mr. Reeves said there is a 5' wide sidewalk proposed on the south side of Summit Drive
502 to connect to 3 B's and K Road. Ms. Korleski asked whether any path or walkway would
503 be built along 3 B's and K Road. Mr. Ciminello said "no" and that a large setback was
504 left along the road, and they are building a new road and making it safer. It is a state
505 decision regarding whether to place a cul-de-sac on 3 B's and K Road.

506

507 Ms. Korleski said that the BZC has been requesting that developers install a 10' wide
508 pedestrian path along major roads and she said that would be quite a nice path along the
509 development along 3 B's and K Road. Mr. Ciminello said that would encroach on private
510 residences and if it was built would not connect. Ms. Korleski said that even when they
511 do not connect, they will in the future. Mr. Ciminello said he did not see any impetus in
512 the future for a path connecting to US Route 36/SR 37.

513

514 Mr. Graham said many bikes ride along the road in good weather and it would be great if
515 they had access to move into safer areas.

516

517 Alison Smith 638 N. 3 B's and K Road, said landscaping is shown along 3 B's and K
518 Road where there are currently many trees and she asked whether they would be removed
519 to install new sewer lines and 80 new trees installed. Mr. Reeves said the sewer line is
520 13' off the existing water line, which is at the right-of-way line. Mr. Ciminello said he is
521 far from the sewer line. Ms. Smith asked whether the trees would be kept. Mr. Ciminello
522 said it is his intent to keep the trees, but the county wants him to improve the ditch, which
523 would result in the loss of many of those trees. He has had discussions with the county
524 regarding not removing the trees but if it is required by the county that the ditch be
525 reworked the trees may be removed.

526

527 Ms. Smith was concerned about the path that runs between two homes that seemed to be
528 too close. Mr. Reeves said those homes would be spaced further apart at around 20'
529 because there is a storm line and drainage easement running through there, providing 6'
530 on either side of the path separating it from the homes.

531

532 Ed Smith, 638 N. 3 B's and K Road, asked which parts of the development would be
533 asphalt and which would be concrete. He asked what type of barrier was required around
534 the retaining ponds such as a guardrail. Mr. Reeves said the county does not require a
535 guardrail because of the distance of the water from the roadways, and there will be flat
536 recovery zones under the surface of the water that are more shallow than the rest of the
537 pond in case a vehicle or person were to fall in. Mr. Smith asked whether there was any
538 kind of barrier for the area where the sidewalk crosses between the road and the pond at
539 Four Winds Drive. Mr. Reeves said there would be a guardrail of some type there. Mr.
540 Ciminello committed to having a guardrail there and it will not be galvanized metal.

541

542 Mr. Smith wanted Four Winds Drive to look less like a county road and more like a road
543 that goes to a nice housing development. Mr. Ciminello said the developer will be
544 maintaining all the bike paths and open spaces, and the county will be maintaining the
545 detention ponds. He wants this development to look nice. Mr. Smith asked whether the
546 speed limits are relevant to the bike paths and sidewalks and their separation from the
547 road. Mr. Reeves said the speed limit dictates the distance away from the roadway and
548 associated guardrail.

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549 Mr. Smith asked about the materials for the sidewalks and the bike paths. Mr. Reeves
550 said typically, bike paths are asphalt and sidewalks are concrete.

551

552 Mr. O'Brien said that because this is a subdivision, the county has authority regarding the
553 speed limit, as opposed to 3 B's and K Road which is not subdivided and is under
554 ODOT's rules. He asked what the speed limit would be on Four Winds Drive in this
555 subdivision. Mr. Ciminello said he requested that it be as low as possible and requested
556 that it be 35 mph. Mr. Reeves said the roads were designed at 50 mph and the posted
557 speed limit will be 45 mph; the county has stated that they have control and that they will
558 dictate the speed limit. The county is stating that the county thoroughfare plan indicates
559 that Four Winds Drive is a replacement for 3 B's and K Road, but also that the current 3
560 B's and K Road will remain on the thoroughfare plan.

561

562 Mr. Reeves said the discussion last week was that both of those roads are county
563 thoroughfares and ODOT, not the county, has jurisdiction over the speed limit even
564 though this is a platted subdivision. Mr. O'Brien asked for what distance that was. Mr.
565 Reeves said it was from US 36/SR 37 all the way up to the future roundabout and where
566 it ties back into 3 B's and K Road. In other words, the entire distance of Four Winds
567 Drive.

568

569 Mr. O'Brien said it may seem unimportant, but because 521 is tied to US 36/SR 37 there
570 is a different standard of speed limits. Mr. Reeves said he made that same argument with
571 the county engineer but his office does not agree. Mr. Ciminello said he would welcome
572 assistance with a reduction of that road through the middle of residential neighborhoods
573 to 35 mph and he noted that it was originally slated to be 55 mph.

574

575 Ms. Smith asked who could be contacted about that and she asked that the developer
576 assist the residents in having their voices heard on the matter.

577

578 Jason Hatfield, 6925 SR 37 East, said he has property on 3 B's and K Road. He said he
579 heard of a plan where a median would be placed on US 36/SR 37 and a right-out only off
580 of 3 B's and K Road after Four Winds Drive is extended.

581

582 A resident asked when the projected "big dig" was. Mr. Schottenstein said that after the
583 final development plan is approved by the township, he will commence final engineering
584 for a first phase of the condominiums in the section to the south as well as a first phase of
585 the single-family development. Four Winds Drive is already being engineered, he noted.
586 The engineering should take around 6 months so if that begins on February 1, he would
587 expect to be under construction by August 1, and hopefully pavement will be down by
588 the end of the year although that may not occur until June 2018.

589

590 The resident asked where the truck traffic would enter and exit between US 36/SR 37 and
591 the development. Mr. Schottenstein said it would have to come in via Four Winds Drive.
592 Mr. Ciminello said he hopes to start Four Winds Drive by April or May and it will
593 hopefully be paved by the end of the year.

594

595 Mr. Ciminello confirmed that he would like the BZC to vote on the application.

596

597 The divergences were discussed as follows:

598

1) Off-street parking for the model home.

599

2) Sidewalks abutting the curbs.

600

3) 100% use of the model home instead of 90%. 4) Vinyl siding.

601

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602 Conditions:

- 603 1) Stone on the headwalls and end-walls.
- 604 2) Fountains instead of aerators in the ponds.
- 605 3) Two lanes out and one in at the entrance to the development.
- 606 4) The guardrail will have wood.
- 607 5) The private streets would not be inverted.

608 Mr. O'Brien asked about a path to 3 B's and K Road. Mr. Ciminello said the path along
609 Summit Drive would change from a 5' wide sidewalk and replaced with an 8' bike path.
610

611 Mr. Bardash asked about the mounding. Mr. O'Brien said he believed that mounding
612 would be allowed over the sewer easement but trees would not be allowed because they
613 are more difficult to dig up. Mr. Ciminello said he wanted to respect the existing trees as
614 well and will preserve them as possible.
615

616 Ms. Korleski said she really likes the walking path on 3 B's and K Road. Mr. Ciminello
617 pointed out a path that will continue north so the residents up there are able to get on it.
618 He said a path along 3 B' and K Road would be a dead-end bike path because those
619 homes are not going to develop.
620

621 There was a brief recess to put the conditions on the plat map prior to the vote. Meeting
622 was returned to session.
623

**RESOLUTION 2017.01.10.#A: APPROVE: BZC CASE #16-011 BROOKDOC
INVESTMENTS, LLC., COTTAGES AT NORTHLAKE WOODS**

624
625
626
627 Ms. Korleski made a motion to approve BZC 16-011, filed by BrookDoc Investments,
628 LLC., requesting approval of a preliminary & final development plan known as Cottages
629 at Northlake Woods, Parcel #41811001034000 from Planned Commercial District (PCD)
630 and Farm Residential District (FR-1) to Transitional Planned Unit Development (TPUD),
631 19.93 ± acres, 0 N Three B's & K Road, with the following divergences:

- 632 1) There will be no off-street parking for the model home.
- 633 2) 5' wide sidewalks will abut the curb.
- 634 3) Model home will be allowed until the property is 100% developed.
- 635 4) High quality vinyl siding is allowed on the sides and rears of the units.

636 And with the following conditions:

- 637 1) There will be stone on the headwalls and inwalls.
- 638 2) There will be fountains instead of aerators in ponds.
- 639 3) At the entrance to the development on Summit Drive, there will be two lanes out
640 and one lane in.
- 641 4) There will be no "V" roads.
- 642 5) There will be a 10' wide walking path along Summit Drive instead of a sidewalk.
- 643 6) There will be mounding along 3 B's and K Road with the approval of the county,
644 with sensitivity to existing trees.

645 The clerk is directed to submit the recommendation of approval to the trustees for final
646 approval.
647

648 Mr. Valentine seconded the motion.

649 Vote: Korleski, yes; Valentine, yes; Bardash, yes O'Brien, yes; Spangler, yes. Motion
650 carried.
651

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652 There was a 5 minutes recess. Meeting was returned to session.

653

654

Agenda Item: BZC 16-012 The Pines

655

656 *BZC 16-012, filed by Lee Kun Roh and Kyung Ju Roh; David C. Davis and Martha L.*
657 *Davis, c/o Underhill and Hodge LLC, Aaron L. Underhill, 8000 Walton Parkway, Suite*
658 *260, New Albany, OH 43054. The applicants are requesting approval of a preliminary &*
659 *final development plan known as The Pines to rezone from Farm Residential District*
660 *(FR-1) to R-2/Planned Residential District (PRD) 160.285 ± acres, Parcels*
661 *#41824001095000, 41824001094000, 41831001001000, 41831001002000,*
662 *41831001003000, 41831001004000, & 41831001005000, 1950 Lackey Old State,*
663 *Delaware, OH 43015.*

664

665 Aaron Underhill, with Underhill and Hodge LLC., attorney representing M/I Homes, said
666 the acreage of the property is slightly larger now and the plans presented tonight are
667 175.6 acres, and he is requesting the R-2 designation with the PRD overlay. The
668 application was considered by the DCRPC last month and the applicant agreed to all
669 DCRPC conditions except the condition regarding density because he wanted to have that
670 conversation with the township. He believes there are factors that may support the slight
671 adjustment in the permitted density.

672

673 Mr. Underhill said the property is located to the southwest of the intersection of Lackey
674 Old State Road and Berlin Station Road. He is proposing 191 units on 175 acres to
675 provide a density of around 1.29 units per acre. When he set out to plan the subdivision,
676 he used the R-3 standards to cluster the homes on lots that are still very sizeable at 85'
677 wide, which would exceed the R-3 zoning districts requirement of 80' wide lots. The R-2
678 requires a minimum lot width of 100' and he is requesting a divergence for that. After
679 discussions with township and county officials, he felt the best approach would be to
680 tailor the density more toward the R-2, understanding that a few more divergences than
681 are typical if they were requesting the R-3 zoning, but he is blending two concepts.

682

683 Mr. Underhill said the homes would be single-family and he has submitted architecture
684 with the project and that is part of the Regency series. A matrix of the different home
685 models in that series was provided and it discusses typical sizes as well as features such
686 as number of bedrooms and baths, and several elevations that will go along with each of
687 the home models. As one drives through the development, a visual variety will be
688 provided that includes different material types on different models. There are 7-8 models
689 and rarely would two homes look the same given all of the options available.

690

691 Mr. Underhill said the plan is to have a main entry drive coming westward off of Lackey
692 Old State Road, and it meanders through the side into the 4-acre open space. He tried to
693 cluster the homes in a manner that allows the preservation of much open space. The
694 underlying open space requirement is 20% and the development has 37.2%. Generous
695 open space has been provided in most areas and those will be natural areas that will be
696 mowed a couple of times per year.

697

698 Mr. Underhill said the internal, more usable open space located at the terminus of the
699 main entry drive is nearly four acres, and there is a 2.5-acre open space in another area.
700 Those will be mowed weekly and maintained and will be more active, community
701 gathering areas.

702

703 Mr. Underhill said there is also a connection to the new high school at the extreme
704 western portion of the plan, and there are three other places where the streets are stubbed
705 to adjacent properties where future development is likely.

706

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707 Mr. Underhill said the price range will start in the \$500,000 range with an average of the
708 mid \$500,000's. He would also like to introduce another product type that he has not
709 provided to the BZC yet. These products would be phased throughout the development
710 and he may bring that aspect back before the BZC for its approval; that product type
711 begins in the \$400,000's and it will diversify the housing types and the price points that
712 are available in the neighborhood and will allow the development to occur more quickly
713 than if just the one type provided here is available.

714

715 Mr. Underhill said he is requesting 8 divergences from the code despite the fact that there
716 is an interplay between the R-2 and the R-3. There is an issue regarding density;
717 proposed is 1.29 units/acre rather than 1.25 units/acre. He pointed out six estate lots on
718 the eastern portion of the site along near Lackey Old State Road. There is also an
719 existing home there, the Davis property, that has an entrance off of Lackey Old state
720 Road, and if that property is added to the rest of the subdivision there would be just 1.25
721 units per acre. A Christmas tree farm is located there. The additional units being
722 requested are for the larger lots that range in size from 3 acres to over 7 acres in size.
723 These are not typical for the subdivision but he is trying to gain a few more homes here.

724

725 Mr. Underhill said the Davis' have indicated that they would like to continue to operate
726 their tree farm for some time and the access will continue to be off Lackey Old State. If
727 they discontinue their business, they would like the ability to have a couple more lots that
728 would be accessed from a common access drive that is shown on the plan.

729

730 Mr. Underhill said that there are also three other estate lots just north of that that M/I
731 Homes may choose to develop themselves or they may get a custom builder involved.
732 The request for the additional density arises from the larger lots that are more typical than
733 the historically rural surroundings.

734

735 Mr. Underhill reviewed the other divergences; some of which he considered to be "partial
736 divergences" and others are meant to get the neighborhood closer to the R-3 district; if
737 the development was in that district it would meet the underlying code, but because it is
738 in the R-2 he is requesting the divergence.

739

740 Mr. Underhill said this is a good product that has been successful for M/I Homes at other
741 locations; several home designs have sizeable front porches with a mix of material types.
742 The application commits to high-quality materials such as cementitious siding for
743 primary materials, stone and stone veneer, brick and brick veneer, and the like that meet
744 the requirements of the zoning resolution.

745

746 Mr. Underhill said that the slight divergence requested allows the development to have
747 sizeable open spaces such as 29, 13.8, and 6.9 acres that would be excellent not only for
748 this community but also for surrounding neighborhoods. There is also a lot of interior
749 open space areas that are very large in size and very usable.

750

751

Commission Consideration

752

753 Mr. O'Brien said regarding the divergences, he is not concerned about the height of 5' 4"
754 versus 4' if the size is not changed. He does agree with the DCRPC's condition that the
755 maximum number of units is 186 and not 191, to meet the zoning resolution
756 requirements.

757

758 Mr. O'Brien said that regarding the fencing between the farm and the developer, that
759 needs to be worked out between the developer and the neighbors; if the fence is
760 appropriate it should be enforced, and it may be different throughout the community.

761

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762 Mr. Underhill said he is not opposed to putting in the fences, but he was unclear as to
763 when that requirement would be triggered, based on development to be occurring soon on
764 some of the neighboring properties, and he is happy to work with the neighbors and see
765 where it is appropriate. Mr. O'Brien said that a less expensive ornamental fence is better
766 than a functional fence that will not be used and that needs to be maintained.

767

768 Mr. O'Brien said he was opposed to the reduction of the 50' rear yard setback to 25'; the
769 BZC has recently agreed to 35' as a compromise. Regarding the side yard divergences he
770 would like to hear what the other members have to say about that.

771

772 Mr. O'Brien said assuming that the density is reduced to 185 units from 191 units, he
773 would not be as opposed to the divergence regarding the size of the lots. He believed it is
774 important to maintain the character of the area. If the property is a flat open space field,
775 he would want the lots to conform to the zoning resolution. However, it is important to
776 save the existing trees and keep the character of the property including ravines and water
777 features.

778

779 Mr. O'Brien said that regarding the divergence to allow 85' lot widths instead of 100',
780 there is an advantage to having narrower widths but he would like to hear from the other
781 BZC members regarding that.

782

783 Mr. O'Brien said that regarding the required front porches, he believes that is a way to get
784 away from what he sees here, which is a sea of garages. An advantage to 100'-wide lots
785 is that they allow more sideload garages, and he would like to see a commitment to a
786 certain number of sideload garages, which would make him more amenable to the
787 reduced lot width.

788

789 Mr. Underhill said sideload garages can be done on some of the lots where the lot width
790 allows it. He has not brought the other series of homes to the BZC because it is the
791 Signature series with primarily front-load garages, and he is considering doing some
792 changes to it and having some sideload garages. Mr. O'Brien said the appearance is nicer
793 when there are not a lot of garages facing the road, which is one of the reasons the 100'
794 lot width is required. If he can commit to sideload garages, he would be more amenable
795 to allowing the 85' wide lots because it means less roads and maintenance.

796

797 Mr. Underhill said there are options for the garages including windows, etc. although
798 those are not always included in the brochures because they are upgrade items.

799

800 Mr. O'Brien asked how many homes would be located on the common access driveway
801 (CAD). Mr. Tailford said each CAD has only three lots. He said there are three planned
802 for the Christmas tree farm if that was developed in the future, they would lose their
803 access from Lackey Old State Road and it would come off the CAD. There are also three
804 that would come off the end of the cul-de-sac on the plan. Mr. O'Brien confirmed with
805 Mr. Underhill and Mr. Tailford that no CADs would come off of Lackey Old State Road.

806

807 Mr. O'Brien asked about the water features. Mr. Tailford said there are several ponds on
808 the site and they will have fountains. He usually uses low-visibility bubblers in ponds,
809 which put more aeration in the ponds than fountains. Mr. O'Brien said he would also like
810 to see fountains. Mr. Tailford committed to having fountains in the water features except
811 the pond on the large lot.

812

813 Mr. O'Brien asked whether the headwall and end wall would have the natural stone
814 appearance. Mr. Tailford said they would.

815

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816 Mr. Spangler asked whether all lots would be included in the HOA. Mr. Underhill said
817 that was correct, and that prior to any home being sold, a declaration will be recorded
818 against the property that outlines a calculation for an annual charge that is governed by
819 M/I Homes until the development is substantially completed, at which time it will be
820 turned over with adequate funding so it will function properly.

821

822 Mr. Tailford said there will probably be some kind of modification for the 6 CAD lots
823 regarding how they will be involved in the overall HOA versus having to maintain their
824 own CAD, etc. but the rest of it will be HOA-forced funding.

825

826 Mr. Spangler asked whether the development was reviewed by the fire department. Mr.
827 Tailford said that he did and he had no problems with any of their provisions. Mr. Heid
828 said that went to Jeff Strung.

829

830 Mr. Spangler asked whether islands were proposed in the cul-de-sacs. Mr. Tailford said
831 they are proposed. Mr. Spangler said they have been a problem in other places in the past
832 for the road department and fire department. Mr. Tailford said they are built with a
833 sufficient radius for fire trucks. Mr. Spangler said the road crews have no place to go
834 with the snow and when people park on the cul-de-sac it makes it more difficult for them.

835

836 Mr. Spangler said some trustees in the past have banned cul-de-sac islands. Mr.
837 Underhill asked whether it was a concern about the median and how it is designed and
838 constructed and he asked whether there was an alternative he could build. Mr. Spangler
839 said that he did not want them at all and wanted only pavement. Mr. Underhill asked
840 whether the entire BZC did not want island cul-de-sacs. At least three BZC members
841 agreed. Ms. Korleski said she thought the trustees had banned them but she preferred to
842 not have them. Mr. O'Brien said they look nice and it is expensive to maintain all that
843 pavement.

844

845 Mr. Spangler said he agreed with Mr. O'Brien that the density needs to be brought down
846 to a maximum of 186 units. He disagreed with the 25' reduced rear yard setback; he
847 would accept a compromise of 35'. Mr. Tailford asked whether the 35' would permit
848 patios and the like to be built in that area. Mr. O'Brien said a patio could be built into it
849 but not a structure such as a deck. Mr. Heid said a structure that comes up off the ground
850 cannot extend into the setback; however, a concrete or pavement patio could.

851

852 Mr. Spangler said he would also like to see some sideload garages to break up the
853 appearances. Mr. Tailford said there are opportunities to do that and he could mix those
854 around. He said he would go back with this plan to see where the sideload garages could
855 go and bring that in to the BZC.

856

857 Ms. Korleski asked whether the existing Davis home would be part of the HOA. Mr.
858 Tailford said they probably would not be in the beginning because they are functioning as
859 a tree farm. However, as those lots are sold they probably will be subject to the HOA.

860 Ms. Korleski said the zoning resolution requires that they are part of the HOA. Mr.
861 Tailford said he would discuss that with the HOA and put it on the plan. Mr. Tailford
862 said as it currently exists, the Davis' will not be accessing the subdivision at all until it is
863 part of the CAD.

864

865 Ms. Korleski said she was not very happy with the lot sizes. The definition of a
866 divergence in the zoning resolution is "A divergence in a planned unit development is a
867 slight deviation from these regulations to allow a better development design approved by
868 the zoning commission or trustees at the time of the development plan review." Ms.

869 Korleski said the requested divergence is substantially more than "slight". The property
870 is supposed to be in the R-2 district per the CLUP but instead is following the criteria for

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871 an R-3 development, which she objects to. There are several estate lots and she asked
872 whether homes would be built on those lots and whether they would be part of the HOA.

873

874 Mr. Underhill said they would be part of the HOA. Regarding the lot sizes, his preference
875 was to get the density that the community wants per plan, but to create some of the
876 amenities by adhering to the R-3 standards, which allows the homes to be clustered and
877 open space preserved. Ms. Korleski said the setback reduction request is a modified
878 divergence, but the lot sizes themselves are being cut in half.

879

880 Mr. Tailford said the open space requirement is being doubled so those areas and trees are
881 preserved. Ms. Korleski said she did not see any walking paths in the open space. Mr.
882 Tailford said much of it is treed. Ms. Korleski said people would want to walk through
883 the areas but it is all passive open space; there is no allowance for any active open space.
884 Mr. Tailford said there is some active open space in the middle and in a couple different
885 locations. He said he could add some walking paths in that area. Ms. Korleski said a
886 walking path needs to be installed along Lackey Old State Road.

887

888 Ms. Korleski said that fencing is a minor issue and she would not want trees removed to
889 put a fence in. The applicant is also seeking a divergence for porches. Mr. Underhill said
890 it is a partial divergence; four-five of the models do have front porches and the rest do
891 not. Ms. Korleski said a porch or some kind of entrance cover is important.

892

893 Ms. Korleski said she has a real problem with the estate lots; there are 28.2 acres assigned
894 to estate lots, open space is 65.4 acres, and the infrastructure is 26.34 acres, and that is
895 119.94 acres out of 175.6 acres. The units are thus being built on 55.66 acres, which is
896 just one small portion of the property. There should be just 55-60 units on that property
897 at the most. She had a problem with the applicant trying to force the R-3 into the R-2
898 area.

899

900 Ms. Korleski said this is a suburban area; the BZC just approved several developments
901 that are in the R-2 district with nice lots and sprawling homes. However, the applicant is
902 requesting small houses that are not very sprawling and the yards will be small.

903

904 Mr. Valentine said he agreed with many of the comments already made. He asked
905 whether there would be sidewalks on the streets. Mr. Underhill said there would be, on
906 both sides of all streets. Mr. Valentine said the lots are much too small, and 12,000 SF is
907 a quarter acre.

908

909 Mr. Bardash said the 10' wide path along Lackey Old State is a must for him, as it will be
910 continued for every subdivision that is built along that road. The lot sizes are a serious
911 problem; if the developer wants the density of 186 lots, then they need to be closer to the
912 half-acre lot requirement of the R-2 district to maintain the rural feel of Berlin Township.

913

914 Mr. Bardash asked about playgrounds in the open space. Mr. Tailford said that is not
915 indicated in the plan. Ms. Korleski said she would like to see some type of active space so
916 people can enjoy the property; perhaps park benches or a gazebo could be built. Mr.
917 Bardash said that the text indicates in Article 11 that "The applicant proposes 65.4 acres
918 of open space that will be used for open space, parkland, and playgrounds." Mr. Tailford
919 said that is a mistake. Mr. Bardash said he would like to see it used for playgrounds. Ms.
920 Korleski said that with that kind of acreage there could be ball fields or soccer fields.

921

922

PUBLIC COMMENT

923

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924 Ms. Korleski said she would take just five public comments from the first people to raise
925 their hands because she is ready to go home, so is everybody else, and the application
926 will be tabled.

927

928 #1: Craig Cerny, 1092 Dale Ford Road, asked why the lots cannot meet the existing
929 required size and setbacks without making exceptions. He asked if there was some kind
930 of financial distress or other situation that made the divergence requests necessary.

931

932 Mr. Underhill said there was no financial distress and the developer thought this followed
933 the rural character of this area. He said he would go back to the drawing board and look
934 at that. When the lots are larger and more spread out there are more roadways to
935 maintain and also more impervious surfaces.

936

937 #2: Marti Davis, 1950 Lackey Old State Road, owners of the subject tree farm, said she
938 liked the plan because there is so much green space along Lackey Old State Road and it
939 would not change the way the area looked and it would still somewhat look like
940 farmland. She said she would always like to have the private driveway, which she has
941 had since 1978, and because one driveway on that road is no longer in use, she sees no
942 reason why she cannot always maintain that driveway.

943

944 Mr. Underhill said it is shown on the plan as being eliminated. Ms. Davis said she did
945 not care if she connected to the CAD, but she wants to maintain the private drive. Ms.
946 Korleski asked what would happen if Ms. Davis' children decide to sell one of the estate
947 lots because they are part of the development. Ms. Davis said she was also told that she
948 would not need to be part of the HOA unless the property developed. Mr. Underhill said
949 he would speak with Ms. Davis regarding that.

950

951 #3 Erin Bush, 1535 Dale Ford, Road, said she would prefer that the property stay zoned
952 as farmland; she loves the feel of this township and this is not Orange Township. She
953 knows that development is inevitable but it feels like it is coming like a freight train.
954 This development will bring hundreds of students to the schools, and the infrastructure is
955 not ready for it. This area cannot continue to provide the quality of life and education
956 when the growth happens this quickly without the planned infrastructure.

957

958 Ms. Korleski said that each applicant is permitted to request whatever they want for their
959 property and the township must consider it according to the zoning. Ms. Bush asked
960 what it would take to say "no" to the request. Ms. Korleski said that could occur if the
961 guidelines were not followed. Growth is coming and sometimes the township has no
962 choice. Ms. Bush asked whether there would be any circumstances where the township
963 could insist that the property remain farmland instead of being zoned residential. Ms.
964 Korleski said there was not, because property owners have rights.

965

966 Mr. O'Brien said the only way to do that is if somebody would like to purchase the
967 property. The Fifth Amendment provides for land use, and the township does not want to
968 be sued.

969

970 Mr. O'Brien said if the township were to force the property to have a different use, it
971 would have to pay the property owner the difference of the value of the land as farm
972 versus developed. The township is not going to pay \$5,000,000 to keep the property as
973 farmland. Ms. Bush said they could look at the increase in costs for the development
974 such as roadwork, etc. Ms. Korleski said the BZC has no bearing on that. Mr. O'Brien
975 said that would be a township trustee decision.

976

977 Ms. Korleski asked how the Davis' could farm their property if they only have access to
978 the property via a CAD. Ms. Davis said she did not want to and she did not plan to

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979 develop that property. Ms. Korleski asked how she could conduct business with people
980 entering and exiting the property. Ms. Davis said she does not want to access the
981 property via a CAD, and she wants her own private drive.

982

983 #4 Christy Fisher, 3910 Berlin Station Road, said her property abuts the larger lots. She
984 said the applicant added the large lots to the development to make it seem as though the
985 average lots were larger than they were, while still making money with high density and
986 small lots. She asked whether the large lots will be owned by the Davis farm or by M/I
987 Homes. Mr. Underhill said some will be owned by M/I Homes and some will not.

988

989 Ms. Fisher asked whether those lots could be split in the future at the applicant's
990 discretion. Mr. Tailford said he would need to go to the township to request that. He said
991 those large lots do help decrease the density, but the reason is that the cul-de-sac cannot
992 be any longer and it cannot connect to Lackey Old State Road, so therefore they are
993 building a CAD and putting three lots down there. Ms. Fisher asked whether they
994 would share a driveway with the Davis farm. Mr. Tailford said they would not.
995 Ms. Fisher asked what the easement was between the driveway and the property line.
996 Mr. Underhill said the distance was around 50'. Ms. Fisher asked whether the developer
997 could agree to line that with trees. Mr. Tailford said he could possibly plant trees where
998 there are no trees; there are some existing trees there. Ms. Fisher said there were not
999 enough, and most of them are dying because they are ash trees. Ms. Fisher said that if
1000 there were no evergreens there, it would be very easy to see through in the winter.

1001

1002 #5 Greg Bender, 3850 Berlin Station Road, said he is two doors down. He said the
1003 developer said they are trying to get to the density that the community wants, and he did
1004 not think that was true at all. He said that regarding the average density, he believed the
1005 developer has "massaged" the numbers to come up with their data. His figures show 185
1006 lots on 56 acres, and that is too many. He thought the divergence was much higher than
1007 just 6 lots for the 185 lots on 56 acres.

1008

1009 Mr. Bender said the lot size is about 12,000 SF minimum; he lived in Clintonville for 25
1010 years and he had lots larger than that. He moved to Berlin Township to get away from
1011 the high density housing, which is being proposed in this plan. Ms. Korleski said there
1012 are places in Berlin Township where R-3 housing is permitted, but this is not one of
1013 them.

1014

1015 Mr. Bender asked whether the property was zoned for one acre lots at this time. Mr. Heid
1016 said "no" and that it is zoned FR-1 with a minimum size of 1 acre lots. Mr. Bender said
1017 the proposed lots are around ¼ of an acre; that is Orange Township or Columbus and
1018 nobody here wants that. He referenced his architect daughter's phrase "house farms,"
1019 which is where one year a property is a corn field with nearly identical plants in rows,
1020 spaced as close together as possible, and the next year it is a development with nearly
1021 identical houses in rows, spaced as close together as possible on postage-stamp lots, and
1022 that is what is being proposed here.

1023

1024 Mr. Bender said he also has questions regarding whether the developer has correctly
1025 calculated net developable acreage, the roadway phasing, drainage and erosion control,
1026 existing trees, etc.

1027

1028 Ms. Korleski said that would have to wait for the next hearing, and this would be tabled
1029 to a date and time certain.

1030

1031 There was a discussion. Ms. Korleski suggested tabling the application to the 2/14/17
1032 BZC meeting with the revisions due by 2/6/17. Ms. Rippel and Mr. Heid said that does
1033 not give Ms. Korleski the two weekends she has requested in the past to review the

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1034 materials and Mr. Heid suggested 2/1/17. There was further discussion regarding tabling
1035 the meeting to 2/28/17.

1036

1037 Mr. O'Brien asked that the developer bring two plans. He likes to see larger lots, but
1038 sometimes seeing the alternative can help. For example, sometimes people will become
1039 concerned when the alternative plan shows houses are spread out further and closer to lot
1040 lines, closer to the roads, built into the trees, etc. People like trees and ravines. Mr.
1041 Underhill said he would take that under consideration.

1042

1043 Mr. Underhill asked whether the applicant would need to make an entirely new
1044 resubmittal. Ms. Korleski said he would just need to submit revisions.

1045

1046 A resident said many residents at this meeting sat here for three hours so they could be
1047 heard. Ms. Korleski said she did also. The resident asked for time at the next meeting so
1048 the residents could be heard. He said Ms. Korleski started this meeting stating that she
1049 wanted the residents to be a part of this process, but then the meeting got dragged out.

1050

1051 Ms. Korleski said that at this point, there is no other applicant on the 2/28/17 BZC
1052 meeting agenda, so she would try to keep it at that so everybody would have a chance to
1053 talk. Ms. Bush asked whether this application could be first on that date. Ms. Korleski
1054 said it would be.

1055

1056 **RESOLUTION 2017.01.10.#B: TABLE & CONTINUE BZC 16-012 TO 2/28/17 AT 7:00 PM**

1057

1058 Ms. Korleski made a motion to table and continue BZC 16-012 to 2/28/17 at 7:00 p.m. at
1059 the township hall. Mr. Bardash seconded the motion.

1060

1061 Vote: Korleski, yes; Bardash, yes; Valentine, yes; Spangler, yes; O'Brien, yes. Motion
1062 carried. BZC 16-012 tabled to 2/28/17 at 7:00 p.m. at the township hall.

1063

1064 **AGENDA ITEM: OTHER BUSINESS**

1065

1066 Ms. Korleski said that the next regular BZC meeting will be held on February 14, 2017 at
1067 7:00 p.m. for an informal meeting with Metro Development, property on Peachblow
1068 Road, informal meeting with John Wicks, property on Cheshire Road, and any other
1069 business before the Zoning Commission.

1070 There was no further business to come before the BZC. Motion to adjourn. Meeting
1071 adjourned.

1072

1073

Toni Korleski, Chairperson

1074

1075

1076

Jerry Valentine, Vice-Chairperson

1077

1078

1079

1080

Steve Spangler, member

1081

1082

1083

1084

Ken O'Brien, member

1085

1086

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1093

Mike Bardash, 1st alternate seated

Attest: _____
Lisa F. Knapp, Berlin Township Zoning Clerk