

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

**REGULAR MEETING & HEARING
JANUARY 24, 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 Martin Johnson led meeting attendees in the pledge of allegiance.

8
9 BZC members present: Toni Korleski (chairperson), Darcy Kaplan, Steve Spangler, Ken
10 O'Brien. Martin Johnson (2nd alternate BZC member, seated).

11 Not present: Jerry Valentine, Mike Bardash (1st alternate BZC member).

12 Also present: Zoning Clerk Lisa Knapp; Zoning Secretary Cathy Rippel; Zoning
13 Inspector Chet Heid.

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. Korleski said this meeting was advertised at the beginning of the year as a regular
21 meeting and there was no special advertising.

22
23 **AGENDA ITEM: INTRODUCTION OF ATTENDEES**

- 24
25 ♦ O.J. Foster, 2386 Lackey Old State Road
26 ♦ Jeff Jordan, 2454 Lackey Old State Road
27 ♦ Steve Eldridge, 2462 Lackey Old State Road
28 ♦ Linda Heid, 3383 Cheshire Road
29 ♦ Terry Bullard, 2440 Lackey Old State Road
30 ♦ Rick Gemienhardt, 881 Africa Road
31 ♦ Gary Will, 3351 Cheshire Road
32 ♦ Scott Leewald, 3419 Cheshire Road
33 ♦ Steve Haywood, 2925 Cheshire Road
34 ♦ Mary Brown, 2925 Cheshire Road
35 ♦ Steve Rippel, 3061 Cheshire Road
36 ♦ Cathy Rippel, 3061 Cheshire Road
37 ♦ Ray Armstrong, 100 Africa Road
38 ♦ Richard Taylor, 3025 Cheshire Road
39 ♦ Brad Cook, 2820 Berlin Station Road
40 ♦ Joe Korleski, Co-Chairperson, BZA
41 ♦ Barbara Sherman, 1469 Africa Road
42 ♦ Don Sherman, 1469 Africa Road
43 ♦ Chet Heid, 3383 Cheshire Road
44 ♦ Neal Mattison, 3433 Cheshire Road
45 ♦ Gerre Martin, 73 Somerset Road
46 ♦ Brooke Martin, 73 Somerset Road
47 ♦ John Wicks, Real Property Design & Development, 110 Polaris Parkway
48 ♦ Joe Thomas, Metro Development, 470 Olde Worthington Road, Westerville Road
49 ♦ Todd Faris, 223 N. 5th St., Columbus, Ohio

50
51 **AGENDA ITEM: INITIATE CHANGES TO THE BERLIN TOWNSHIP ZONING RESOLUTION**

52
53 Ms. Korleski said that next she would like to initiate changes to the zoning resolution,
54 and she has four of them in mind:

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58 Change #1

59

60 Ms. Korleski said in order to remove the Multi-Family references from the R-3 and R-4
61 zoning classifications and insert all Multi-Family references in the Transitional Planned
62 Unit Development (TPUD), she would like to make the following changes to the zoning
63 code:

64

65 Article 9 Multi-Type Residential District (R-3):

- 66 1) Change the title to Residential District High Density (R-3).
67 2) Under Permitted uses in Section 9.03 A.), change the wording to read: *“Single-
68 Family Residential Structures limited to one (1) single-family dwelling per parcel,
69 tract, or lot.”*

70 Article 10 Multi-Type Residential District (R-4):

- 71 1) Change the title to Residential District Medium Density (R-4).
72 2) Under Permitted uses in Section 10.03 A.), change the wording to read: *“Single-
73 Family Residential Structures limited to one (1) single-family dwelling per parcel,
74 tract, or lot.”*

75 Article 11 Planned Residential Development (PRD), in Section 11.03 Location of PRD
76 (open space) Development:

- 77 1) Include the zoning classification TPUD to be allowed to have the PRD Overlay.
78 2) This is actually covered in Article 13 (TPUD) in Section 13.02 C.) which allows
79 for this overlay under cluster housing, but for consistency it should also be
80 shown in Article 11 Section 11.03.
81 3) Section 11.04 A.) and B.) Permitted Uses: include TPUD in the wording.

82 If TPUD is to be used for multi-family structures, Article 13 Transitional Planned Unit
83 Development (TPUD), in Section 13.02 A.) Permitted Uses:

- 84 1) Change the wording to read: *“Multi-Family residential structures of any*
85 *type attached or detached units including but not limited to attached, modular*
86 *patio, common wall or any reasonable variation on the same theme.”*

87 Article 24 General Development Standards, in Section 24.05 Setback Regulations:

- 88 1) Insert the TPUD into the table.
89 2) Remove the Multi-Family Planned Residential District zoning
90 classification.

91 Ms. Korleski said those changes are necessary so the reference to multi-family can be
92 moved over from the single-family classifications into a multi-family classification which
93 is in the TPUD.

94

95 **RESOLUTION 2017.01.24.#A: INITIATE PROCESS FOR**
96 **CHANGES AND ADOPTION OF PROPOSED AMENDMENTS**

97

98 Ms. Korleski made a motion to initiate the process for the changes and adoption of the
99 proposed amendments to Article 9.03 A.), Article 10.03 A.), Article 11.03, Article 11.04
100 A.) and B.), Article 13.02 A.) and Article 24 Section 24.05. Ms. Kaplan seconded the
101 motion.

102

103 Discussion

104 Mr. O'Brien asked Ms. Korleski to discuss her rationale for the changes. Ms. Korleski
105 said this is an initiation to go through the process; from here this will go up to the
106 Delaware County Regional Planning Commission (DCRPC), who will look at the

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107 wording and develop any legal wording that is necessary, it comes back to the BZC for a
108 motion to approve, and then it goes to the trustees to be approved or not.

109

110 Mr. O'Brien said he was requesting the rationale, not the process. Ms. Korleski said that
111 several developments have gone through R-2, R-3 and R-4 that also include multi-family
112 developments. If time goes by and the developers are not able to get single family homes
113 in there and they still have plats of land, they can go ahead and build multi-family
114 developments without any rezoning because that is part of the R-3 and R-4 districts. She
115 feels that that should be changed so the approval is specifically for single-family homes
116 and if they want multi-family homes and condo, they can request a TPUD.

117

118 Mr. O'Brien asked whether the existing R-3 and R-4 zoned properties would have to
119 adhere to the new regulations. Ms. Korleski explained one can only go forward, not
120 backwards. Ms. Korleski said that for example, developer Todd Faris applied for an R-3
121 zoning. In the future, he could build condos or multi-family there. Mr. O'Brien said Mr.
122 Faris would need to come back to the BZC for final development plan approval. He said
123 that would come under the new regulations.

124 Ms. Korleski said that after a final development plan is approved, they are still building,
125 and if they cannot make it that way they can put multi-family in and they would not need
126 to come back in for zoning. Mr. O'Brien said they would need to come back in for final
127 development plan approval and they would need to apply. Ms. Korleski said she was
128 referring to after the final development plan has been approved. Mr. O'Brien said it was
129 per plan so they would have to come back for a new final development plan approval.

130 Ms. Korleski said she did not think that was correct.

131

132 Mr. O'Brien said that does not correct the issue of the R-3 being denser than the R-4.

133

134 Mr. Johnson asked whether there have been situations where that has occurred or whether
135 this is a preventative measure. Ms. Korleski said she has not seen it done before but it
136 probably will in the future.

137

138 Vote: Korleski, yes; Ms. Kaplan, yes; Johnson, yes; O'Brien, yes; Spangler, yes. Motion
139 carried.

140

141 Ms. Korleski said that she has discussed the issue with BZC member Jerry Valentine,
142 BZC 1st alternate Mike Bardash, trustee Steve Flaherty, and trustee Ron Bullard, and they
143 all agree with the changes.

144

145 Change #2

146

147 Ms. Korleski said the next change to look at is in Section 11.10 B.), to eliminate the "B.)"
148 which is the one-step process for a zoning application, so that all applications must
149 follow a two-step process for a rezoning application.

150

151 **RESOLUTION 2017.01.24.#B: INITIATE PROCESS FOR**
152 **CHANGES AND ADOPTION OF PROPOSED AMENDMENTS**

153

154 Ms. Korleski made a motion for the initiation of the change to eliminate the one-step
155 process and make all applications come in for a two-step where they have to come in for
156 a preliminary and a final. Mr. Johnson seconded the motion.

157

158 Discussion

159 Mr. O'Brien was concerned about this because the purpose is not how people use it; it
160 would be nice to fix the problem without "throwing the baby out." Mr. O'Brien said that
161 some applicants have come in with a plan that is not a final and it is complete. However,
162 he is concerned about not making the one-step available because he has seen in the past
163 some businesses who need to make a quick decision, and if the process becomes too long
164 they will look elsewhere. In the recent past this has happened in other communities.
165 Many companies are shopping for the best deal as quickly as possible and a solution

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166 could be to look more at those areas where businesses are more likely to move to and
167 float a cloud.

168

169 Ms. Korleski said after a preliminary is approved, an applicant does not need to wait to
170 submit a final plan. Several applications have come in and attempted the one-step
171 process but they have nothing in place and the BZC does not even know where the homes
172 will be placed, which is required. Mr. O'Brien said perhaps the fault is on the BZC for
173 allowing them to do that. Ms. Korleski said that is why she wants to get rid of that.

174

175 Mr. O'Brien said the one step requires the final details, and the BZC is not forcing them
176 to do what they are supposed to do. Ms. Korleski said a recent applicant submitted a one-
177 step zoning but did not have the final engineering yet. Mr. O'Brien said that is why the
178 BZC should force them to do it, and if they refuse, they should do the two-step process.
179 Ms. Korleski said the only thing the one-step process does is prolong the application. For
180 example, the Johnnycake Corners development got dragged out and tabled only because
181 it was a one-step.

182

183 Mr. O'Brien said they are discussing different solutions to different problems. He is
184 talking about a single business on a single property, while Ms. Korleski is discussing
185 residences. Ms. Korleski said she is trying to correct this for residences. Mr. O'Brien
186 said he did not object to that, but he did object to preventing businesses from being able
187 to go through the one-step program. Ms. Korleski said she is not doing that yet and if the
188 township needs to they can do that in the future. Development like that will not come in
189 until sanitary sewer is available on US 36/SR SR 37. She did not agree that removing the
190 one-step zoning process would hamper development.

191

192 Mr. O'Brien said he has dealt with businesses who have said that they would not look at
193 those townships who have the two-step zoning. Ms. Korleski said she did not foresee any
194 big businesses coming into Berlin Township anytime soon.

195

196 Mr. Johnson said he did not see any place other than the PRD where the process is
197 identified. Ms. Korleski said she was not talking about the PRD but one-step or two-step.
198 The BZC would look at what is required in the preliminary and the final development
199 plans. Mr. Johnson asked whether the description of the one step and two step zoning
200 processes are included in Article 11, the PRD section, and whether that one or two-step
201 process applies to all applications. Ms. Korleski said it did.

202

203 Mr. Johnson said it is not referenced in any of the other districts such as R-2, R-3, R-4
204 etc. Mr. O'Brien said except where the cloud exists in Old Cheshire. Mr. Johnson said if
205 it is correct that this process, which is defined in Article 11 PRD, only applies to PRD,
206 there is no impact on businesses because they will not request PRD zoning anyway.

207

208 Ms. Korleski said PRD is not a zoning classification. For example, zoning classification
209 for residential is R-1, R-2, R-3, R-4 and TPUD. There is also commercial and industrial
210 and those all have to come in for an application and they all have to go through the
211 preliminary and final development stages.

212

213 Mr. O'Brien requested a tabling of this issue and requesting that assistant county
214 prosecutor Mark Fowler attend a BZC meeting and explain whether there is perhaps a
215 different solution that could possibly work. Ms. Korleski said it was premature to request
216 Mr. Fowler to come in and the BZC should just go ahead and proceed with the initiation,
217 because the BZC can hear what DCPRC has to say when it comes back, and it would still
218 have to be voted upon by the BZC.

219

220 Mr. O'Brien responded that DCPRC will say whatever the township wants because they
221 are not concerned regarding whether it is one-step or two-step zoning. Ms. Korleski said
222 DCPRC will do the wording for the changes, and the township can always ask for advice
223 in-between. The only way to move on is to at least initiate the change so the BZC can
224 look at it while the process is being done.

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225 Mr. O'Brien said he did not want the process to be rushed because the township has had
226 the one-step zoning for years. Ms. Korleski said it is not rushed and that developments
227 such as Johnnycake Corners and The Pines were messes. Mr. O'Brien said applications
228 that are messes should just be denied. Ms. Korleski said the BZC does not do that. Mr.
229 O'Brien said they should be denied if they do not meet the requirements of the zoning
230 resolution.

231

232 Mr. Heid said Evans Farm also came in as a one-step zoning. He said this would be a
233 change to Section 11.08 B.) Section 17.07 B.) is planned commercial district and he did
234 not believe that was being changed at this time. Ms. Korleski asked whether it was in
235 any other section and asked what section in PCD it was. Mr. Heid said it was 17.07 A.)
236 and B.) and PID has the same issue so it should be changed in all three. Ms. Korleski
237 said she did not research this at all.

238

239 Ms. Kaplan said that if there is no longer a one-step process, it does not seem there is a
240 requirement that there is a certain minimum span of time between the first step and the
241 second step, so an applicant could submit the preliminary and final development plan at
242 the same time if they were prepared.

243

244 Ms. Korleski said if the one-step is eliminated they would not be able to bring the
245 preliminary and final development plans at the same meeting. Ms. Kaplan said they could
246 do that at the next meeting or in a month. Mr. Heid said there is a lot of work that needs
247 to be done prior to the submission of a final, and it seems to run more smoothly if the
248 two-step process is used.

249 Mr. Heid said that one current developer is doing a final plan for each phase of the
250 development, which is better. Ms. Kaplan said that the one-step seems to be a "catch 22"
251 because the township tells the applicant they cannot be approved for a final development
252 plan until they get the final engineering, yet they cannot get the final engineering until
253 they get preliminary approval. Mr. O'Brien said they could get all of their engineering
254 done but it is expensive. The two-step plan was provided so an applicant could obtain
255 zoning approval prior to spending all that money on the final engineering.

256

257 Mr. O'Brien asked how floating the zoning cloud has worked in the Old Cheshire area,
258 where the zoning can be pulled from the cloud and then only a final development plan is
259 necessary. Ms. Korleski said Mr. O'Brien was complicating matters. Mr. Heid said if a
260 cloud is placed over top of the initial zoning such as NCD (Neighborhood Commercial
261 District), it allows the BZC to adjust the setbacks for the smaller lots etc. rather than
262 requiring the normal setbacks for the very narrow lots.

263

264 Mr. O'Brien said it would address the speed that certain businesses need. Ms. Korleski
265 said the cloud was created for that purpose after the fact; the Old Cheshire area already
266 existed and had numerous small lots. Mr. O'Brien asked whether she liked that and how
267 it was working. Ms. Korleski said she did not like it and she hoped they finished up so the
268 BZC does not have to deal with it.

269

270 Mr. Heid said he has found it has helped in a couple of cases because it tells applicants
271 about the reduced requirements instead of requiring a variance, which makes for a
272 smoother process. Mr. O'Brien said he was fine with the cloud and likes it more than the
273 two-step zoning process. He feels the one-step zoning process has a purpose at certain
274 points in time and removing it would be throwing the baby out with the bathwater.
275 However, he does believe Ms. Korleski is attempting to address a very real problem. He
276 is not saying Ms. Korleski's solution does not solve that problem that needs to be solved,
277 but it could result in loss opportunities for a good tax base in the future.

278

279 Ms. Korleski said all she knows is that it has been a cause of problems in any application
280 that has come in on the one-step process because the applicants do not follow the format
281 of what a one-step zoning should be because they do not want to spend the money to do
282 that. They should have a two-step plan so they can get the zoning approval first and feel
283 more confident in their application, and then they can go forward with their final plan.

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284 Applicants feel that they can just fly a one-step application right through the BZC even
285 though details such as where the driveways and houses will be located are not addressed.

286

287 Mr. O'Brien said sometimes the BZC takes more time on details such as landscaping etc.
288 on a one-step zoning than on the combined one and two-step zonings, such as 1000
289 houses approved on Peachblow Road, and that was a problem. Ms. Korleski said Evans
290 Farms came in via the one-step process and they seemed to have everything in place, but
291 she still does not recall seeing how the houses would be situated, or where the driveways
292 would be located.

293

294 Mr. O'Brien said he agrees that there is a problem, but he does not agree with Ms.
295 Korleski's proposed solution. Mr. Heid said the two-step zoning allows the applicant to
296 time the development their own way; once the preliminary zoning is approved, the final
297 development plan could be submitted the next week or 3 months later, which works more
298 smoothly for the applicant.

299

300 Ms. Korleski asked Mr. O'Brien what the issue was regarding a business having to wait
301 for the two-step process. Mr. O'Brien said there is a possibility to lose businesses on a
302 short time frame, although he is not concerned about residences. Mr. O'Brien said for
303 example, the outlet mall. The timing on that and the referendum that really hurt them was
304 because of the JEDD (Joint Economic Development District); the law on JEDDs changed
305 and by the time the referendum came, they would have had to do another step after that.
306 The referendum pushed it past the deadline of when they could do certain things under
307 the JEDD, which caused the developer to obtain the City of Delaware's approval,
308 whereas the law prior to that did not require that.

309

310 Ms. Korleski said all she could do is worry about what is happening here. Mr. O'Brien
311 said his point is that time can matter; statutes do change, and developers do not always
312 help each other and sometimes assist matters being approved by the legislature that hurt
313 other developers.

314

315 Mr. Gemienhardt said he supports Ms. Korleski's efforts and her forward-thinking is
316 admired by him. He asked whether this was being initiated just for residential housing
317 and not other districts such as planned industrial or planned commercial. Ms. Korleski
318 said this initiation would address it across the board in the zoning resolution. Mr.
319 Gemienhardt said Mr. Heid had indicated it was only Section 11 and he asked whether it
320 was intended to apply to all sections. Mr. Heid said that was the intent.

321

322 Ms. Korleski said she may have to initiate a proposed change to eliminate any language
323 in the zoning resolution that refers to one-step zoning. Mr. Gemienhardt said it is a great
324 idea and initiating this would allow the BZC a month to vet this issue. He would like to
325 see it move forward and see what the rest of the BZC has to say with their votes.

326

327 Ms. Korleski said she needs to amend her motion to initiate a proposed change in the
328 zoning resolution that will eliminate the one-step process in all zoning classifications.

329 Mr. Johnson seconded the motion.

330

331 Vote: Korleski, yes; Johnson, yes; Ms. Kaplan, no; Spangler, yes; O'Brien, no. Motion
332 passed.

333

334

335

Change #3

336

337 Ms. Korleski said the next item is to change the wording in PRD Article 11.03 which
338 currently reads, "*Planned residential development zoning may be overlaid on FR-1, R-2,*
339 *R-3 and R-4...*" and by the way the first initiation would be putting TPUD in
340 there... "*pursuant to a zoning map amendment approved by the township. When used as*
341 *an overlay, the density of the underlying zoning shall be used to determine the number of*
342 *units allowed. All other standards shall be as defined in Article 11.*"

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343 Ms. Korleski said she would like to change the word “may” to “shall” or “will” because
344 this is called a PRD which is planned residential district and any developer using PRD
345 would be definitely overlaying it on the different zoning classifications.

346
347 Ms. Korleski also proposed eliminating “*When used as an overlay.*”
348

349 Ms. Korleski asked whether will or shall should be used. Mr. Heid said that either will or
350 shall should be chosen and he asked whether “when used as an overlay” would be used.
351 Ms. Korleski said “no” that part would be eliminated.

352

**RESOLUTION 2017.01.24.#C: INITIATE PROCESS FOR
CHANGES AND ADOPTION OF PROPOSED AMENDMENTS**

353

354
355
356 Ms. Korleski made a motion to initiate a change in the zoning resolution PRD Article
357 11.03 to read:

358

359 “*Planned residential development zoning will be overlaid on FR-1, R-2, R-3 and R-4*
360 *zones and the TPUD pursuant to a zoning map amendment approved by the township.*
361 *The density of the underlying zoning shall be used to determine the number of units*
362 *allowed.*”

363

364 Mr. Johnson seconded the motion.

365

366 Discussion

367 Mr. O’Brien said this is a straightforward change. Mr. Spangler asked what effect that
368 would have on developments such as Summerwood with no plat where a developer wants
369 to come in with existing zoning and they just want to put in FR-1. Ms. Korleski said if
370 such a developer wants to use a PRD in the FR-1, which means they are not required to
371 have 1-acre minimum lots and the lots can be rearranged to accept the PRD overlay, it
372 would change their lot sizes but they do not need to all be 1 acre minimum.

373

374 Mr. Spangler asked what if the developer wanted all 1-acre lots. Ms. Korleski said in that
375 case, the developer would not need to come before the BZC. The proposed change
376 would have no effect on those developers if they do not come in for changes. If such a
377 developer with FR-1 comes in and wants a PRD overlay in order to build a development
378 with open spaces and move lots around, they would come in for approval of the PRD
379 overlay over the FR-1. Mr. O’Brien asked whether they would still get the same number
380 of houses but just in a smaller area and there could be preservation areas and open space.
381 Ms. Korleski was not sure but she thought that was correct.

382

383 Mr. Johnson said that essentially the language says that PRD cannot exist on its own.
384 Ms. Korleski said that was correct. Mr. Johnson said that whatever it is overlaid upon,
385 the underlying density will apply. Ms. Korleski said that is correct.

386

387 Vote: Korleski, yes; O’Brien, yes; Spangler, yes; Johnson, yes; Ms. Kaplan, yes. Motion
388 carried.

389

390

Change #4

391

392 Ms. Korleski said that she realizes that Berlin Township no longer uses NCD
393 (Neighborhood Commercial District) zoning, but it exists in some places such as in Old
394 Cheshire. She said that Section 12.03 Conditional Uses indicates:

395

396 “*Unless the conditional use permit specifically provides that the grant shall be*
397 *permanent and shall run with the land, conditionally permitted uses shall be considered*
398 *abandoned if said use or uses are not commenced within one year from the date of the*
399 *Board of Appeals approval or if said use is discontinued for a period of excess of two*
400 *years.*”

401

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402 Ms. Korleski said that 12.04 F.) indicates under Prohibited Uses, “*Except as permitted as*
403 *a conditional use, drive-in or drive-through facilities for restaurants, financial*
404 *institutions, and the similar type businesses.*” However, if it is prohibited it cannot also
405 be except as permitted. She requested that F). be deleted from the prohibited uses in
406 NCD and insert it into Conditional Uses.

RESOLUTION 2017.01.24.#D: INITIATE PROCESS FOR
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411 Ms. Korleski made a motion to initiate the process for change in Section 12.04 F),
412 eliminate “*Except as permitted as a conditional use, drive-in or drive-through facilities*
413 *for restaurants, financial institutions, and the similar type businesses*” and list it under
414 conditional uses. Mr. Spangler seconded the motion.

415
416 Discussion

417 Ms. Kaplan asked whether there was an example of when this has happened in the past.
418 Ms. Korleski said she did not have one but the language is inconsistent. Ms. Kaplan said
419 she understands that but she has never seen that before. Mr. Johnson said item E.) which
420 contains inconsistent language should also be moved. Ms. Korleski said she likes having
421 E.) in there because she did not want storage of automobiles, trucks, trailers, campers etc.
422 in the conditional uses.

423
424 Vote: Korleski, yes; Spangler, yes; O’Brien, yes; Johnson, yes; Ms. Kaplan, yes. Motion
425 carried.

426
427 **AGENDA ITEM: INFORMAL MEETING WITH METRO DEVELOPMENT,**
428 **PROPERTY LOCATED SOUTH OF PEACHBLOW ROAD**

429
430 Todd Faris, with Faris Planning and Design, and Joe Thomas with Metro Development,
431 presented the application and answered questions from the BZC.

432
433 Mr. Faris said he is here to informally discuss property that Metro Development controls,
434 located between Shanahan and Peachblow Roads off of Route 23, which he pointed out
435 on the maps. He said the property is located in the township’s Comprehensive Land Use
436 Plan (CLUP) Subarea 7b, which allows for R-3 planned residential development with 80’
437 wide lots. The bottom half of this is called out planned commercial/office/industrial.
438 Everything has to stay “as is” along Shanahan Road, and the frontage becomes more
439 commercial.

440
441 Mr. Faris said the developer would like to build single-family homes instead of the
442 industrial indicated in the CLUP which takes the bottom half or 2/3 of the site. Mr. Faris
443 said there is sewer available and the development patterns around it include Shanahan
444 Middle School to the south, the condos that were rezoned adjacent to it, there is a mobile
445 home park, Belmont Place by Ryan Homes off of Peachblow Road, North Farms is
446 developing to the south, so there is a lot of residential development occurring around the
447 property.

448
449 Mr. Faris said the property is so far off Route 23 that it may not be realistic to develop the
450 site as an industrial use. Industrial property has no requirements for open space and the
451 traffic from it will back adjacent to the homes. He explained the property in detail and
452 confirmed that it would abut Evans Farm.

453
454 Mr. Faris said if the property were to be rezoned R-3 with the same density allowance
455 that the northern portion of the site allowed, he would be able to preserve all the wooded
456 areas on the site; there is a stream that runs through that area. The homes would be
457 buffered from surrounding neighbors. The CLUP shows a vehicular connection that is
458 shown to tie through to the Evans Farm property that could be built and the difference
459 would be that the property would not be warehouse/commercial but instead would
460 provide a nice residential development.

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461 Ms. Brown asked where Connor Lane was on the map and Mr. Faris pointed it out.
462
463 Ms. Korleski asked whether it was correct that the CLUP indicates that the property is to
464 be rezoned industrial and that it currently has not been rezoned. Mr. Faris said that was
465 correct and that the property is currently FR-1. He asked whether the BZC would support
466 this modification from the CLUP.
467
468 Ms. Korleski agreed that industrial did not seem practical in that area. She asked whether
469 the property abutted The Greenery. Mr. Faris said it was. The main entrances would be
470 located on Shanahan Road and on Peachblow Road. He noted that the CLUP indicates a
471 desire for a backage road along Route 23 that would tie into that as well, providing
472 another access point. Ms. Brown asked what the price range of the homes would be. Mr.
473 Faris said it would typically be \$450,000+.
474
475 Ms. Korleski asked whether the development would connect with any part of the Evans
476 Farm property Mr. Faris said he shows some connections but did not look at their plan to
477 see where the connections would be as this is just the first stage. If there was interest by
478 the BZC in developing the property residentially, he would begin those discussions with
479 Delaware County. The total acreage is 201 acres and is owned by Don Kenney. Around
480 300 homes would be built on the property.
481
482 Mr. Faris said he was considering R-3 zoning. Ms. Korleski said that allows 1.85
483 units/acre. Ms. Korleski said she would like to see how it abuts Evans Farm and asked
484 whether it would abut the commercial portion of that. Mr. O'Brien said that is the estate
485 lot and high-density homes area. Ms. Korleski said 1.85 units/acre would fit in that area.
486 Mr. O'Brien said it would be less dense than Evans Farm except they have a lot of park
487 space up against the railroad.
488
489 Mr. O'Brien said Mr. Faris said that sewer is available, but that can mean different things
490 and he asked how available it was. Mr. Thomas said the developer would control the
491 construction; there would be a lift station down at Hyatts Road and Route 23. Mr.
492 O'Brien said there are two ways the sewer can come. Mr. Thomas said the lift station
493 would be Hyatts and Route 23 and it would drop down Hyatts Road and the force main
494 would go through Olentangy Falls. Mr. Thomas said the original discussion was taking
495 the force main through the preservation parks area but they totally eliminated that
496 discussion.
497
498 Mr. O'Brien said the BZC really needs to think this concept through; if they give the
499 sewer capacity, there is only a certain amount of capacity that goes through that
500 Olentangy Falls east area. That was not built to service the entire area but to go to the
501 manhole down at the road by the river. He asked whether it was correct that the
502 developer would not build a line all the way there. Mr. Thomas said the final routing was
503 not discussed in depth but the concept includes taking the existing trailer park off the
504 existing backage station and put it into gravity.
505
506 Mr. O'Brien said it would be helpful to know that if the BZC were to allow this density,
507 it would be nice if commercial development was built somewhere because that is helpful
508 to the township's tax base. If all the capacity goes to residential development, that could
509 hurt the township. He said perhaps the township should revisit the CLUP because this
510 has been planned as industrial/commercial and there needs to be a balance for a tax base.
511 It could make sense here, but the township needs a tax base and cannot hurt its ability to
512 have the capacity in other areas. If that development uses all the capacity, there will not
513 be enough density to run another line all the way down there. Mr. Thomas said he would
514 get more information for him including the calculations for capacity for commercial
515 density and residential development.
516
517 Mr. O'Brien said this may make sense and perhaps the BZC may be comfortable
518 revisiting the CLUP to see where else commercial development could be placed.
519 However, it must be a whole picture, not just the 200 acres. Ms. Korleski asked about the

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520 sewers that are at the Pulte development. Mr. Thomas said that is in the tributary area.
521 Mr. Spangler asked whether the property adjacent to this was The Greenery development
522 that was rezoned several years ago and they said they cannot get sewer there. Mr.
523 Thomas said that was correct and that is why they need a bigger developer such as this.

524
525 Mr. Faris said they have so few units it does not make sense. Mr. O'Brien said if they
526 build the sewer and they go along with the other people it will all develop as will Evans
527 Farm as it will become economically viable. Mr. Thomas said there are developable lots
528 along Route 23 as well and there are discussions regarding having capacity. Mr. O'Brien
529 said that could really help Berlin Township because it would be commercial. He said if
530 all the pieces came together he would like it, but pieces could fall apart and he would hate
531 it.

532
533 Ms. Korleski asked whether he was saying that if the sewers come in from Hyatts and
534 Route 23 that would open it up for The Greenery and the trailer park. Mr. Thomas said
535 that was correct and it would bring gravity sewer to those. Mr. O'Brien said he has real
536 concerns if it is going by the Olentangy Falls because that was not sized for that.

537
538 Ms. Kaplan asked about the open space part in the center of the development. She liked
539 the concept of preserving the forested area. She asked how that would be used to offset
540 the density. Mr. Faris said he had not thought of that much yet because the threshold
541 issue of whether the BZC would be in favor of this needs to be determined. Ms. Kaplan
542 said when there is high density she likes to see something that offsets the living space.
543 Mr. Faris said he believes he would have the ability to have trails through here and bring
544 them to different areas.

545
546 Mr. O'Brien asked whether the homes would be comparable to North Farms where the
547 density is 2 units/acre. Mr. Thomas said they would be or higher given the overall drop in
548 density and the increased lots sizes.

549
550 Mr. Faris said he did not know what kind of industrial or commercial use would want to
551 locate that far off the road. Ms. Korleski said perhaps offices would but an access of
552 Shanahan Road would not be ideal. Mr. O'Brien said when the CLUP was contemplated,
553 it made sense at that time. There was an idea that there may be a rail spur and at the time
554 that is where federal funds were going to be used to build a train stop. However, times
555 have changed.

556
557 Ms. Korleski said she liked the idea. Mr. Spangler said it has potential if the sewer can
558 be obtained. However, it bothers him that his neighbor said the same thing a few years
559 ago but has to come in every year for an extension. He did not want to spin wheels for 10
560 years while sewer is being built.

561
562 Mr. Thomas said a substantial investment needs to be made to get sewer to this area so
563 the small number of condominiums in The Greenery did not have the volume to generate
564 the \$6,000,000 it will take to bring sewer in.

565
566 Mr. O'Brien said there are also powerlines on Shanahan Road that have to be dealt with
567 as well.

568
569 Ms. Korleski asked whether the property actually fronts on Shanahan Road. Mr. Faris
570 said the frontage is around 150' side. Ms. Korleski asked how far from the railroad
571 tracks the property is. Mr. Faris said it was around 1500'.

572

573

PUBLIC COMMENT

574

575 Ms. Bullard asked whether businesses have ever approached the township. Mr. O'Brien
576 said they did, but the City of Delaware was faster. Ms. Bullard said she was thinking of
577 Chase Bank or the like who may need more offices in the future. Ms. Korleski said if
578 sewer is brought in, The Greenery can go forward, and most of the area along Route 23 is

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579 zoned commercial. Mr. O'Brien said Niagara wanted to move here and they needed a lot
580 of water and sewer.

581

582 Mr. Gemienhardt encouraged Ms. Korleski to reach out to DCRPC director Scott Sanders
583 to get a "10,000 foot" view of the township to see where Berlin Township has viable
584 opportunities for commercial and industrial development. On the surface, this seems like
585 a loser. This would be a tax strain including adding 300 children to the school system,
586 and forfeiting industrial and commercial tax money. There are plenty of buildable lots in
587 this township from the past years' rezoning. If this is an opportunity for a more balanced
588 tax base, he would like to get some insight from the county so the Board can pursue it
589 now.

590

591 Mr. Korleski said unless sewer is brought to the area, Industrial Parkway will not be
592 connected. The sewers come first; there is already land along Route 23 that is zoned
593 commercial. He suggested getting the sewers and then worrying about the rest later.

594

595 There was a brief recess. Meeting was returned to session.

596

597 **Agenda Item: Informal Meeting with John Wicks, Cheshire Road Property**

598

599 Mr. Heid recused himself from zoning inspector on this project and he introduced Ray
600 Armstrong, who will be serving as the acting zoning inspector for this project.

601

602 John Wicks, president of Real Property Design and Development, 110 Polaris Parkway,
603 said this project includes four properties for a total of around 76.5 acres including
604 property known as the Martin tract, formerly the Ross tract, located directly to the west of
605 the cemetery. A second parcel is also located northeast of that. There are also two
606 properties, each around 10-11 acres, including the Neal Matteson property that has a
607 house on it as well as the Jeff Holbrook property.

608

609 Mr. Wicks said this property falls within the area of 4 b) of the Berlin Township
610 comprehensive land use plan (CLUP), where it is designated for an R-2 zoning with a
611 maximum allowable density of 1.25 units/net developable acre. After the 15% reduction
612 for right-of-way, utility easements, etc. and after the required open space, that would
613 allow 81 single-family lots. There would be no multi-family or condos at this point.

614

615 Mr. Wicks said public sewer runs through the property and capacities have been verified,
616 and water runs out from along Cheshire Road with ample capacity. Regarding drainage,
617 the cemetery is the high spot so the bulk of the Martin property drains to the west. There
618 have been some improvements to the ditch north of Cheshire Road already so he
619 proposes a pond that would go into that ditch. The easterly portion of the project drains
620 to the east where there are tributary areas that ultimately lead to Alum Creek. There are
621 private project owners there that may potentially be impacted by that. He reached out to
622 one of them already, the Bullards, because that is the proper placement of drainage.

623

624 Mr. Wicks said he put together two separate concepts for review by the BZC. He noted
625 that he has met with several people including some at this meeting to discuss the proposal
626 and to get their feedback at this stage. Plan A is strict adherence to the R-2 with PRD
627 overlay. Each lot is .5 acres and 21,780 SF, which is permissible when there is public
628 sewer. The plan provides 20% open space indicted in green on the plan. The entrance is
629 shown as being located directly from the Homewood development on the south side of
630 Cheshire Road, which was recently approved by Berlin Township. The entrance would
631 line up with that development, and there is no room for homes on the west side of that so
632 that is shown as open space as well as the area in the front along Cheshire Road. The
633 homes would be set back a minimum of 150' from the road.

634

635 Mr. Wicks said that the Holbrook and Matteson properties have 60'-wide fingers that
636 extend to Cheshire Road. He did not believe that was a good location for public access
637 and he has shown those areas as open space. The plan shows a 70' wide and a 50' wide

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638 strip of open space north of the existing 3 homes on Cheshire Road, and there is a cul-de-
639 sac with half-acre lots. Due to the size and length of the cul-de-sac and the number of the
640 lots, the county engineer will most likely require emergency access. There is an existing
641 driveway back to the Mattison property and an emergency access to Cheshire Road
642 would be required with a Knox Box, knock-down bollards, or the like per the fire
643 department's requirements and there would be no public access whatsoever.
644

645 Mr. Wicks said Plan A is not his preferred plan but it is in strict adherence to the zoning
646 resolution. He does like the concept of a neighborhood park in the center and it provides
647 some open space to back to. A large retention pond would be located on the west side
648 behind the five homes that front on Cheshire Road and the other retention pond would be
649 in the northeast corner. Just to the north is The Pines development that M/I Homes
650 recently presented, and the Eaststone Crossing development is all the way around it.
651 \

652 Mr. Wicks said the Eaststone Crossing development received divergences for their lot
653 sizes. His option B is his preferred layout for the development. He said it adheres to the
654 code in every way except the lot width and lot size; it will have 81 lots with a 1.25
655 units/net developable acre. He would request a deviation for some of the lots. Thirty-six
656 of the lots, which is 44%, would still be A-sized units, which is the full half-acre lots and
657 is basically everything on the east side of the development which abuts existing homes.
658

659 Mr. Wicks said the B sized units are slightly smaller; A lots are required to be a minimum
660 of 100' wide at the build line, B lots are required to be 95' wide. The B lots would be
661 4/10 acre instead of 1/2 acre, or 17,500 SF. 33%, or 27 units, would be B lots. The C
662 sized lots are 90' minimum and that configuration would allow a much larger
663 neighborhood park with around 4 acres of usable space in the center of the development.
664 They would be 90' minimum wide at the build line and they would be a minimum of 1/3
665 acre which is 13,000 SF. They would all be internal to the development and none would
666 be located around the perimeter.
667

668 Mr. Wicks said there would be 18 C lots, which is 22% of the lots, 27 B lots, and 36 A
669 lots. He likes this plan because it allows an increase from 20% open space to 31%, it
670 allow a broader open space adjacent to the cemetery, it provides room to build mounds
671 with landscaping buffering it allows a much wider space between the lots and the back of
672 the homes on Cheshire Road. There will be 180' from the rear of the existing lots to the
673 nearest proposed lot.
674

675 Ms. Korleski asked how big that was in acres. Mr. Wicks said the green shade area is 5.8
676 acres. Ms. Korleski asked how many acres there was from the rear of the lots. Mr.
677 Wicks said it was around 2 acres. Ms. Korleski asked about the easement. Mr. Wicks
678 said there is an existing easement for sewer and some utilities and that area will be
679 maintained open space. It would be mowed so it would be used. Mr. O'Brien said there
680 would need to be an emergency access. Mr. Wicks said he would maintain an emergency
681 access on the cul-de-sac down the existing driveway and down to Cheshire Road. Mr.
682 O'Brien said the fire department would approve that, but it must be able to support a
683 tanker but it is more than just the fire department. The sheriff and EMS must also have
684 access; it cannot be muddy and it must be maintained including snow removal. He is not
685 a fan of the huge cul-de-sac and he was concerned about how the county would feel about
686 it
687

688 Mr. Wicks said the county engineer's maximum is 20' on a dead-end street or cul-de-sac.
689 The length is around 1500'. Mr. O'Brien said that is only one access. Mr. Wicks said
690 there would only be one public access until The Pines is built, but there will be an
691 emergency access. There is no other way to do it unless he builds another public street
692 on the 60' wide strip of property. He said the county engineer did have concerns but he
693 said he would consider it because it has an emergency access.
694

695 Mr. O'Brien said the adjacent development is not built. Mr. Wicks said that is the case
696 with most developments. Mr. O'Brien said most do not have 81 lots with only one

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697 access. Ms. Korleski asked whether the development would connect to Eaststone
698 Crossing as well. Mr. Wicks said there would be via public streets.
699
700 Ms. Korleski asked about the homes located on Cheshire Road. Mr. Wicks said he has
701 met with some of the neighbors to show them the concept and plan and he has committed
702 to building a mound with trees and landscaping along the property lines where possible.
703
704 Steve Eldridge said he would like a tall mound there. Mr. Wicks said there are existing
705 trees there. Mr. Eldridge said there are not along that part of his property line and he
706 would like mounding and trees there. He was also concerned about drainage. Mr. Wicks
707 said there is a significant amount of drainage that comes through three different locations
708 on this property. If he is able to work something out with the Bullards, he would take the
709 drainage up to the pond and the Eldridges would actually see less water coming through
710 their property. If it is a blue-line stream on the USGS map, there are riparian rights and
711 they must be allowed to take the water away, but he did not think it was.
712
713 Mr. Wicks said the water would be taken to the east or to the north. Ms. Korleski asked
714 whether the pond is on the Bullard property. Mr. Wicks said it is but the Bureau of Soil
715 and Water Conservation requires an easement all the way down to a viable outlet which
716 would be a culvert under Lackey Old State. He would have to work something out so the
717 ravine has an easement so there is a mechanism to maintain it because there is public area
718 drainage onto that property.
719
720 Mr. Heid, speaking as a township resident, asked whether the mounding systems could be
721 moved up and away from that pipeline that is there. If something happens in there and
722 there are easements in that pipeline, which is buried over 30', he would like the mound to
723 be built back 100' in order to give equipment enough space to work if they had to fix
724 something. He was looking forward to a mound and trees but he did not want it to be
725 torn up in the future in the event there is a pipe problem.
726
727 Mr. Heid said he would also like to see a no-mow area if possible between the mounding
728 and his property line in order to deter people in the residential area from wandering into
729 his property. Mr. Wicks said he could make it passive open space instead of active open
730 space and mow it 3 times a year. Mr. Wicks said there is 30% open space so every part
731 does not need to be active open space so that does not seem to be a problem. Mr.
732 O'Brien said that if it is moved off the easement trees can be planted on it.
733
734 Ms. Brown asked whether that can be done for her property as well. Mr. Wicks said he
735 has committed that there will be a nice mound there with trees on top and then it will go
736 down into the pond. The only caveat is that drainage from the back of her property
737 through the mound either via a storm outlet or a break in the mound. Ms. Brown asked
738 for 100' mound as well. Mr. Wicks said he cannot make that height work because of
739 where the pond needs to be located. There is actually more than 100' distance because
740 the pond is part of the open space, and up to 300' or more in some places.
741
742 Ms. Brown asked whether there would be mounding. Mr. Wicks said there would be a 3-
743 4' high mound with trees on it.
744
745 Ms. Rippel, speaking as a resident, was concerned with what was shown to be located
746 behind her house. She said she would like to see green space just like everybody else.
747 Mr. Wicks said he can put a buffer there and extend the mound, but in order for them to
748 be A-sized lots it would have to be part of their lots versus being part of the open space.
749 It could be put in a non-buildable of the lot and language could be placed in the deed
750 restrictions that states that mound must remain 4' tall with certain trees on it.
751
752 Ms. Rippel asked whether it would be the same distance as it is for the other three houses
753 on Cheshire Road. Mr. Heid said that is necessary because of the easement for the sewer
754 pipeline in that area. Mr. Wicks said Ms. Rippel's property does not have the same sewer
755 easement as that property does. There will be a mound and trees off of Ms. Rippel's

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756 property so she will not be looking right into the back of somebody's home. He noted
757 there are deep lots; the one behind her house is 250' and the house sits at the front of the
758 lot.

759

760 Ms. Rippel asked what the plan was for the east side of the house. Mr. Wicks said it is
761 8/10 acres of open space; there will be entrance monument signage, some landscaping,
762 drainage acceptance, and some mounding. Ms. Rippel asked whether the signage could
763 be located on the other side of the road instead of on her side. Mr. Wicks said the road is
764 about 120' from the Rippel property line and it would be up closer to the intersection, and
765 the signs would probably be on both sides of the road.

766

767 Ms. Rippel said she would like that to be natural-looking, inactive open space like what
768 Metro Development is doing on the west side of Ms. Brown's property. Mr. Wicks said
769 he could probably designate a strip for that but he did not want the whole area to grow
770 up wild so people cannot see what is back in the subdivision. He would be willing to
771 dedicate a 30' non-disturb, no-mow area within the mound. There would be a mound
772 with grass and trees in a no-disturb area.

773

774 Ms. Rippel asked what the third lot was. Mr. Wicks said that is part of the corridor of
775 open space and is for the maintenance of the pond; there could be access to the pond in
776 two areas. One area is wooded and he wants to maintain the trees. Ms. Rippel asked
777 whether it could be moved one lot over towards her home. Mr. Wicks said it could but it
778 would be necessary to have one less A lot and one more B lot.

779

780 Ms. Rippel said she likes Plan A better. Mr. Wicks said it has the same open space
781 although slightly larger. He said this is conceptual so some changes can be made at this
782 early stage. He stated there is a lot less flexibility if Plan A is built because every lot has
783 to be 20,780 SF and 100' wide. Plan B provides a better mix where the 18 smaller 90'
784 wide lots are not really small by anybody's definition except Berlin Township's.

785

786 Ms. Korleski said there appears to be more issues; the five homes on Cheshire Road want
787 more mounding on their property but the pond must be located in the area shown, and she
788 was concerned about geese in the pond. Mr. Wicks said he would commit to a fountain to
789 keep the geese away. Ms. Korleski said the other issue is the three homes on the east
790 side. Mr. Wicks said he did not have a problem providing mounding and trees for the
791 existing homes. Ms. Korleski said there were concerns about the depth.

792

793 Ms. Korleski asked whether there would be walking paths. Mr. Wicks said he has not
794 gotten to that point yet and he said the planned 10' wide walking path is actually located
795 on the south side of Cheshire Road and none of the subdivisions have paths through the
796 subdivision along the road. He would be amenable to putting a path through the
797 neighborhood park and he believes that would be beneficial to all the residents.

798

799 Ms. Korleski said she thought Westfield would install walking paths along Cheshire
800 Road. Mr. Heid said there is a 10' wide path. Ms. Korleski said it is located on the north
801 side of Cheshire Road.

802

803 Mr. O'Brien said he is "not a big path person" but in here it makes sense because people
804 will perhaps walk to the school. People from the Homewood development will go across
805 to this development then down Piatt Road to Berlin high school. Mr. Wicks said the path
806 Homewood is building is on the south side of Cheshire Road along the entire frontage
807 and he asked why they would they would not stay on that side. Mr. O'Brien said he does
808 not know that both properties will actually be built. Also, there is not a road that takes it
809 to Cheshire Road; it only cuts to Piatt Road, but the subject property will connect to two
810 other properties that will connect up to Cheshire Elementary and likely Berlin high
811 school.

812

813 Mr. O'Brien said the other road that will tie into The Pines will more than likely have a
814 connection to Berlin high school so a path that connects to theirs would make sense. Mr.

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815 Wicks said he wanted to avoid a path to nowhere, but if there is a legitimate reason to
816 build a path through portions of the subject site he would support that. Mr. O'Brien said
817 it would make sense that the path extends from Cheshire Road towards the high school
818 and from this development to The Pines.

819
820 Ms. Korleski said she would like to verify that a bike path is being built at the Eaststone
821 Crossing development on the north side of Cheshire Road. Ms. Brown was certain they
822 are because it is next to her and it will dead-end at her property line. Mr. Wicks asked
823 whether the township's bike path plan jumps across the road to the other side of Cheshire
824 Road and whether there will be two 10' paths on that part of the road. Mr. O'Brien said
825 it is the county's plan as the township does not have a path plan.

826
827 Ms. Rippel asked whether a bike path would be built in front of the Howard Farms
828 development. Ms. Brown said it would be. Mr. Wicks said at some point they must cross
829 Cheshire Road. Mr. O'Brien said this proposal makes sense because there will be an
830 intersection. Mr. Wicks said there is just a small portion of frontage. Mr. O'Brien said
831 he would like to see it go up towards the school. There was a discussion about the path.

832
833 Mr. Wicks said at some point people using the bike path have to cross Cheshire Road.
834 He said he does not control the existing homes, but if he builds a bike path as requested
835 he did not think it would accomplish anything unless the existing homes agree to allow a
836 bike path cross their property.

837
838 Mr. O'Brien said the county engineer probably requires the developer to install a bike
839 path on the north side. Mr. Wicks said he did not believe they would require that. Mr.
840 O'Brien said they would call it a "multi-use path," which requires engineering in order to
841 meet the MORPC requirements thus making it much more expensive.

842
843 Mr. Wicks pointed out the Piatt Road extension and Mr. Heid confirmed that it will have
844 a bike path along it. Mr. Wicks said a bike path is planned in the Eaststone and
845 Homewood properties so there is connectivity for this development but they must be able
846 to cross Cheshire Road somewhere. Mr. O'Brien said it could go through the subject
847 property. There was additional discussion. Mr. Wicks said he is willing to work with the
848 township for a bike path system that makes sense. If a bike path is done along the subject
849 development's road the right-of-way would need to be larger at 70'.

850
851 Mr. Wicks said there is less flexibility with Plan A where the lots must be 100' wide.
852 Ms. Korleski asked why he was not willing to request divergence for Plan A when he is
853 asking for them in Plan B. Mr. Wicks explained that Plan A is in strict adherence to the
854 code and he wanted to show what that looks like.

855
856 Gary Will, 3351 Cheshire Road, said he is located east of the cemetery property along
857 Cheshire Road and his personal preference is for Plan B. He said regarding the flag lot
858 located due west of his property, he did not want to see a bike path go through there in
859 the future and he would like to see it grow just like it is. Mr. Wicks said that is his
860 preference as well and he did not anticipate having a bike path there unless they were
861 ordered to do so.

862
863 Mr. Will asked about street lighting. Mr. Wicks said Berlin Township is a Dark Skies
864 participant so there are no street lights in subdivisions. Ms. Korleski noted that Evans
865 Farm will have streetlights.

866
867 Mr. Jordan asked what would happen with the existing Matteson home. Mr. Wicks said
868 that with either plan the house will remain and will become part of the subdivision and
869 the homeowners association. Mr. Jordan asked about the Matteson driveway located
870 along the east side of the development and the emergency access road that comes out to
871 Cheshire Road. He asked if the mounding would be built in the green space area that
872 extends all the way to the Matteson driveway. Mr. Wicks said that is likely.

873

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874 Mr. Jordan asked whether there would also be a consideration to put sewer stubs along
875 that side for the 4-5 homeowners along that side. Mr. Wicks said he would commit to
876 doing that. Ms. Brown asked how high the mounding would be. . Mr. Wicks said it is
877 typically 3-4' tall and also there will trees on top. The taller the mound is, the wider it
878 must be due to the county's requirement of 3:1 or flatter slope so it can be mowed. . For
879 example, a 4' tall mound with a top would be a mound that is 30' wide. A 5' tall mound
880 would be around 26' wide.

881

882 Terri Bullard, 2440 Lackey Old State Road, asked about the homes that will back up to
883 her property and asked whether there could be common access so additional buildings
884 could not be built too close to her home. She has found that developers build as far back
885 as they can get. Mr. Wicks said there is a required 50' no-build zone so no building
886 could be built closer than 50' to her property. He is not requesting divergences for that.

887

888 Mr. Heid asked whether the HOA would be responsible for the mounding etc. Mr. Wicks
889 said if it is on private property it will be the responsibility of that property owner but
890 there will be deed restrictions that a certain density must be maintained.

891 Ms. Korleski asked how many lots would have the preserved space located on private
892 property. Mr. Wicks said Plan B has two, and Plan A has 9. He does not prefer a strip
893 maintained by the homeowners association at the rear because he feels it takes away
894 privacy from half a million dollar homes and also they do not control whether the strip to
895 the back of their lot is mowed. Ms. Brown asked whether these would all be that price
896 range. Mr. Wicks said he did not see anything being less than \$450,000.

897

898 Mr. Wicks said there is a tremendous market for patio homes in this area but this zoning
899 and the R-3 does not allow for that, and he said perhaps there are other areas where age-
900 targeted patio homes at 3 units per acre could be considered if the CLUP is to be revised.

901 Ms. Korleski said the TPUD allows cluster housing.

902

Public Comment

903

904

905 Mr. Gemienhardt said this plan has many similarities to Crownover Farms which is
906 located right next to him. The community met with that developer 3-4 times where a
907 detailed plan was created for the open space. He highly encouraged the developer to
908 examine that open space plan and said he there were 50' no-cut/no-build zones on every
909 lot and he did not think a block A was necessary and he did not understand why he did
910 not have a B to line everything up better. Mr. Wicks said the intent is that any lot that
911 touches an existing home will not have a divergence. Mr. Gemienhardt said the two A
912 lots could be B lots instead.

913

914 Ms. Rippel said the first two lots by the cemetery side could be flipped and put over on
915 his side. Mr. Wicks said he is fine with that because he will still have to build the same
916 amount of roads and sidewalks. His intent was to request as few divergences as possible.

917

918 Mr. Gemienhardt said the area between his pond and the adjacent lot line were made no-
919 cut/no-build areas so people will be less likely to walk to his pond through the tall grass.
920 The area in front between the pond and the lot line will be cut. Mr. Wicks said the
921 county engineer will require that there be a maintenance berm around the pond and that
922 will force the pond to move and will then require smaller or fewer lots.

923

924 Mr. Wicks said in Plan B it would not be a problem to move the pond if some lots can be
925 made smaller. However, in Plan A lots would be lost because the required size could not
926 be met. Mr. Heid asked how much smaller the lots would be. Mr. Wicks said he would
927 have to determine that.

928

929 Ms. Rippel suggested some additional changes to the plan. Mr. Wicks said he could look
930 at that but he did not want to have open spaces that are offset from each other if there is a
931 path that will come across. If a pedestrian path is to be built he would prefer it to not be
932 along the street but instead through the park so it will be a multi-use path instead of just a

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

REGULAR MEETING & HEARING

JANUARY 24, 2017, 7:00 PM

933 path to school. Ms. Rippel said she did not want people coming into her yard. Mr.
934 Gemienhardt said to prevent that would be to draw a 50' no-build/no-cut line all the way
935 across; nobody will want to walk through briar to get to her lot.

936
937 Ms. Rippel was also concerned about drainage issues and said her property floods at
938 times. Mr. Wicks said the pond will alleviate all of that.

939
940 Mr. Armstrong asked how the pond on the south end would be fed. Mr. Wicks said there
941 would either be breaks in the mounds or a system of catch basins. Mr. Armstrong asked
942 what the outlet would be. Mr. Wicks said the outlet to the pond will be to the north and
943 there is an improvement that has just been completed. It would be a retention pond. He
944 confirmed it is a county ditch either on maintenance or the petition has been submitted
945 for that.

946
947 Mr. Armstrong said regarding the emergency access, he wanted to ensure that it would
948 support tanker trucks. Mr. Wicks said the sewer goes up that driveway and it is his
949 understanding that it was filled with granular material, although he would need to verify
950 that.

951
952 Mr. Wicks said he came before the BZC to get some direction and he will be coming in
953 with a plan in late February or early March and he prefers Plan B with some tweaks. Mr.
954 O'Brien said if the neighbors want the divergences the BZC may be fine with that. If the
955 density was being changed, he would meet with much resistance. He has heard that the
956 township may be interested in acquiring some of the property. If that is true, there is the
957 ability to dedicate land for expansion of the cemetery as well as deed the front part of the
958 township in order to expand the building and/or parking. He said the only way to
959 mitigate that would be to add a couple of lots because he would lose the value of some of
960 the lots due to less distance to the cemetery. Plan C would add 8 lots and it would be 1.35
961 units/net developable acre.

962
963 Mr. Wicks asked whether there was anything else the meeting attendees would like to see
964 changed in the plan. Linda Heid said she likes the green space on the sides of the
965 cemetery because that is one of her favorite walking places. That will help generate the
966 rural feel.

967
968 Mrs. Bullard asked whether the cemetery has room to grow. Mr. O'Brien said there are
969 many spaces available. Mr. Wicks said it is his understanding that if the last 30-year trend
970 continues, there is about 50 years of room left.

971
972 Mr. Will reiterated his preference for Plan B and said he appreciated Mr. Wick's
973 flexibility and consideration of the neighbors and he thanked the township for their time.
974

975 Mr. Wicks asked whether it was correct that if the neighbors and the residents are fine
976 with the plan including the divergences being requested that the BZC would not be in a
977 position to disagree with it. Mr. O'Brien said as long as the density does not increase and
978 the other items are addressed as mentioned.

979

980

AGENDA ITEM: OTHER BUSINESS

981

982 Ms. Korleski said the next BZC meeting will be on 2/14/17 for Charlie Vince who will
983 either ask for an extension to his final development plan for BZC Case #14-012 or he
984 may have a final development plan into the zoning office by February 1, 2017.

985

986 There was no further business to come before the BZC. Motion to adjourn. Meeting
987 adjourned.

988

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BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

**REGULAR MEETING & HEARING
JANUARY 24, 2017, 7:00 PM**

SYNOPSIS

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The following resolutions were passed:

- ◆ Resolution 2017.01.24.#A: Initiate Process for Changes and Adoption of Proposed Amendments
- ◆ Resolution 2017.01.24.#B: Initiate Process for Changes and Adoption of Proposed Amendments
- ◆ Resolution 2017.01.24.#C: Initiate Process for Changes and Adoption of Proposed Amendments
- ◆ Resolution 2017.01.24.#D: Initiate Process for Changes and Adoption of Proposed Amendments

Toni Korleski, Chairperson

Steve Spangler, member

Darcy Kaplan, member

Ken O'Brien, member

Martin Johnson, 2nd alternate member, seated

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