

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

REGULAR MEETING

TUESDAY, JULY 25, 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 Vice-Chairperson Jerry Valentine at 7:00 PM.

6

7 Ms. Kaplan led meeting attendees in the pledge of Allegiance.

8

9 BZC Members present: BZC Vice-chairperson Jerry Valentine, Darcy Kaplan, Steve
10 Spangler, Ken O'Brien, BZC 1st alternate member Mike Bardash (seated).

11 BZC alternate members present: BZC 2nd alternate Martin Johnson.

12 BZC Members not present: BZC chairperson Toni Korleski.

13 Also present: Zoning Clerk Lisa Knapp, Zoning Inspector Chet Heid, Zoning Secretary
14 Cathy Rippel.

15

16 Mr. Valentine read the adopted BZC policy statement for the meeting, as printed in the
17 agenda.

18

19 **AGENDA ITEM: LEGAL NOTICE**

20

21 Ms. Knapp said the hearing was advertised in the July 12, 2017 Delaware Gazette.

22

23 **AGENDA ITEM: APPROVAL OF MINUTES**

24

25 Mr. O'Brien made a motion to approve the minutes from the June 13, 2017 BZC meeting,
26 as presented. Mr. Bardash seconded the motion.

27 Vote: O'Brien, yes; Bardash, yes; Kaplan, yes; Spangler, yes; Valentine, yes. Motion
28 carried, minutes approved.

29

30 **AGENDA ITEM: INTRODUCTION OF MEETING ATTENDEES**

31

32 ♦ Paddy Iragamreddy, 203 Olentangy Crossing West, Delaware

33 ♦ Harsha Kuppli, 203 Olentangy Crossing West, Delaware

34 ♦ Satya Yeluguri, 203 Olentangy Crossing West, Delaware

35 ♦ Carl Amrine, Springfield, Ohio

36 ♦ Liz Amrine, Springfield, Ohio

37 ♦ Barbara Shanck, 2841 Cheshire Road

38 ♦ Mary Brown 2925 Cheshire Road

39 ♦ Daniel Bishop, 2880 Cheshire Road

40 ♦ Scott Sammons, 2591 Cheshire Road

41 ♦ Valerie Rau, 2591 Cheshire Road

42 ♦ Barbara Sherman, 1469 Africa Road

43 ♦ Bruce Baker, 2700 Cheshire Road

44 ♦ Nathaniel Paulus, 2728 Cheshire Road

45 ♦ Chuck Orth, 1654 Hyatts Road, Delaware

46 ♦ Joe Thomas, Metro Development

47 ♦ Todd Faris, 243 N. Fifth Street, Columbus

48

49 **BZC #16-009 BARBARA G. SCHANCK TRUSTEES/METRO DEVELOPMENT**

50

51 *BZC 16-009, amendment #1, filed by Schanck Barbara G Trustees / Metro Development*
52 *LLC, 470 Olde Worthington Rd, Suite 100, Westerville, OH 43082. The applicant is*
53 *requesting a modification to amend an approved zoning plan, known as Eaststone*
54 *Crossing, Parcel #41831001037000, 41831001043000, 4183100103800, 2785 Cheshire*

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

REGULAR MEETING

TUESDAY, JULY 25, 2017, 7:00 PM

55 *Road, Delaware, OH 43015, to reduce development acreage from 74.624 acres to 54.183*
56 *acres, reduce development lot count from 79 lots to 57 lots, revise development layout and*
57 *revise text to reflect changes.*

58

59 Todd Faris, with Faris Planning and Design, said he is here to discuss a
60 revision/amendment to the Eaststone Crossing development, which was approved a few
61 months ago by the township. At that point, a property owned by the Rolls was
62 incorporated as well. Since then, that contract was terminated and the only property
63 remaining is the 54 acre Schank property.

64

65 Mr. Faris said the plan needs to be modified because the Rolls backed out . The
66 approved plan includes connections that work with Westfield Lakes across the street as
67 well as the Piatt Road extension, and those connections remain the same. The site plan
68 has been modified in a few ways.

69

70 Mr. Faris said the curb cut at Cheshire Road will still be temporary until such connection
71 is made at Piatt Road and is at the same location. The direction has been changed due to
72 the removal of the Roll property and he pointed out the changes. The intent of the plan
73 remains the same, which is to preserve the tree line along the ditch because that is one of
74 the few natural features on the site. Two other tree lines will be protected as well.

75

76 Mr. Faris said there will still be a large lake at the entry. Prior to this, he had been able to
77 aggregate the detention areas into one large one, but now there will be several different
78 detention areas in there because the footprint of the property will be split out.

79

80 Mr. Faris said one change is that the development now is coming further down and
81 crossing the ditch, incorporating lots in the lower area. Thus there will be trees and
82 significant mounding in that location.

83

84 Mr. Faris said he is still committing to the crossbuck fence that is similar to that proposed
85 by Homewood and also a no-mow area just to denote that is an inactive area so people do
86 not go in that area near Mary Brown's home.

87

88 Mr. Faris said the density remains the same at around 1.24 units/acre, which is slightly
89 below the 1.25 units/acre allowed in this area. The lot sizes will be generally maintained
90 including the requested divergences to allow a reduction of lot size to 15,000 SF. He is
91 maintaining 100' frontage at the road right-of-way with the exception of four lots which
92 are located along the radii of the cul-de-sac. He had requested a divergence for one lot
93 before and now is requesting for four lots. However, the 100' width at the building line is
94 still being met in this plan.

95

96 Mr. Faris said the currently approved plan included divergences for side yard setbacks at
97 12.5', which he is also requesting now, and also the 35' rear yard setbacks. The
98 headwalls and in-walls of the ponds will be stone as specified during the existing
99 rezoning. He is still willing to make all the commitments from before; the only difference
100 is that the layout is slightly different due to a different property configuration, but the cost
101 and size of homes will remain the same, as will the density.

102

103

Commission Consideration

104

105 Mr. O'Brien asked whether it was correct that this is an amendment and not a rezoning.
106 Mr. Faris said that is correct. Mr. O'Brien said he does not see the property that was
107 removed included. The existing rezoning still exists. This is now something that does not
108 match up to what is next to it. Mr. Faris said that property owner would need to file. Mr.
109 O'Brien said they would not need to because they have an approved plan. Mr. Faris said

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

REGULAR MEETING

TUESDAY, JULY 25, 2017, 7:00 PM

110 it just would not tie into any roadways that this plan has. Mr. O'Brien said the fact that the
111 roads do not match is a problem.

112

113 Mr. O'Brien said most people would get around that by doing a new application, which
114 the applicant has not done. He would like to see how this matches with what is already
115 rezoned next to it because it doesn't work. Mr. Faris said the Rolls would probably have
116 to reconfigure it slightly. Mr. O'Brien said that zoning text exists and it is already
117 approved; if the subject request is approved, which does not match it, "it looks like we're
118 idiots."

119

120 Mr. Thomas asked whether that would all be answered in the final development plan,
121 which would include the actual street layouts and connection points. Mr. O'Brien said it
122 could, except that when the BZC approves something that is more than is required in the
123 preliminary plan, it is approved. Mr. Heid said the entire property was approved and he
124 said Mr. Spangler has the old plat of the previous property that was approved. Mr.
125 Spangler said he has the same concerns. Mr. O'Brien said that is something that really
126 cannot be overcome; to him, this is a new rezoning and not an amendment.

127

128 Mr. Thomas said he had discussed this with Mr. Heid and he believed from those
129 discussions that this is the best route to use. Mr. O'Brien said that would be the case if
130 the roads matched up, but they do not. Mr. Thomas said he did not think that this cutoff
131 would allow the other property to be continued to be used because the lots were overlaid;
132 those previous lots would not be able to develop as it is anyway because those lots
133 extended across the property lines and roadways, so it is not as seamless as one may think.

134

135 Mr. O'Brien said that even though the applicant does not own that property, but the entire
136 plan should be amended. He said if that property owner does not agree, Mr. Faris could
137 refile for a new rezoning. Mr. Faris asked how that would affect the existing rezoning for
138 that property and whether it would nullify that. Mr. O'Brien said that is a problem, but he
139 could file a new application.

140

141 Mr. Heid said there are legal issues; he spoke with legal counsel and everybody he could
142 think of, who advised him that the Rolls do not have to do any of this. The subject
143 applicant cannot force that change. If the Roll property goes one year from the date it was
144 approved without being developed, the approved plan is null and void, although it does
145 not revert to its previous zoning.

146

147 Mr. O'Brien said that zoning has not expired, and this is an amendment, not a new
148 application. Mr. Heid said if he is considering the entire thing an amendment, then they
149 have to comply with the new changed. Mr. O'Brien said that for example, they could
150 rezone Mr. O'Brien's property if they wanted to, which may be silly, but it would not
151 necessarily be silly for them to rezone the Roll property because they had a contract with
152 them at one point in time to represent them, and they did that in good faith. However,
153 now there are two plans and they do not work together.

154

155 Mr. Heid said he believes they have just one plan. Mr. O'Brien said if they do an
156 amendment, but if it is one plan, it should work with the other part of it that is not
157 included. Mr. Thomas asked whether there were two choices; amend the entire 70 acres,
158 which would include this piece the way it is now, or refile a new application. Mr.
159 O'Brien said a third option would be if this amendment matched up to the existing roads
160 and the densities remained the same. He said the applicant is in a "bad spot" and he did
161 not know how to solve it without doing a whole new application.

162

163 Mr. O'Brien said he would like to see the Rolls come into this. He liked the old plan
164 better; the creek/ditch, a critical resource, is now being crossed, which he does not like.
165 He understands the applicant's position that they have to do what they have to do since

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

REGULAR MEETING

TUESDAY, JULY 25, 2017, 7:00 PM

166 the Rolls will not sell. He is not really opposed to this plan; he just did not think the
167 approved plan for the Roll property and the proposed plan will work together.

168
169 Mr. Heid asked whether this amendment could be applied to that prior property, even
170 though they do not own it, and line the roads up and make new roads for the other
171 property to come in so when the Rolls try to develop it, he could not do that unless the
172 roads are lined up with what the applicant has proposed. Mr. O'Brien said that may be
173 possible.

174
175 Mr. Heid said the Rolls would be adversely affected. He asked how the Rolls could
176 develop their property under this amended plan if the BZC holds him to that. He said the
177 BZC cannot really hold the Rolls to that because they never sold the property. Mr.
178 O'Brien said the Rolls allowed their property to be rezoned, and they should allow it to
179 make sense.

180
181 Mr. Heid said he was hoping that if the Roll property was not developed, it would revert
182 back to the former zoning, but it will not. Mr. O'Brien agreed that the county prosecutor
183 would not allow it to revert, but the Rolls could ask that the property be rezoned back to
184 what it was. Mr. Thomas said that would require a new application. Mr. O'Brien said he
185 thought it would be possible under an amendment because it is the same territory they
186 have had before. Mr. Heid agreed and said the property was rezoned once before by the
187 applicant, and they should be able to request that it be rezoned to what it was before. They
188 could rezone his own property if they wanted to.

189
190 Mr. Valentine asked whether it was correct that an amendment could be included that the
191 20 acre property is excluded. Mr. O'Brien said it could be rezoned back to FR-1. Mr.
192 Heid said that the Eaststone Crossing property that belongs to the Rolls could revert back
193 to FR-1, so the Rolls are free to change it back to whatever they want.

194
195 Mr. O'Brien said if that was not done, the Rolls could construct from the other direction.
196 Mr. O'Brien said the Rolls should know about any rezoning but he did not know whether
197 the advertisement included those parcels. Ms. Rippel said it did not because that property
198 was not on the application. Mr. Heid said he thought it would need to go through the
199 rezoning process.

200
201 Mr. O'Brien asked whether the ponds would all be detention ponds, not retention. Mr.
202 Faris said they will have water in them all the time. Mr. O'Brien asked whether there
203 would be fountains in each one of them. Mr. Faris said "Yes."

204
205 Mr. O'Brien asked about the cul-de-sac to be built in the future. He was concerned with
206 the comments from the county engineer's office; he questioned their authority to make
207 those statements and felt that was the county commissioner's approval. They said that
208 Gregory Road will be a cul-de-sac, and he asked whether the county commissioners have
209 approved that.

210
211 Mr. O'Brien asked about the letter from Tab 5 from the county engineer's office that is
212 not signed, dated August 9 to Mike Love, stating that Gregory Road will be made into a
213 cul-de-sac. Mr. Thomas said that is the traffic study, and the red text is Mr. Love's notes.
214 He asked who would pay for it. Mr. Thomas said they do not have any certain dates and
215 they are just planning for the future; if the overpass comes in, they anticipate that
216 modifications would be made to affected roads. They have determined that Gregory Road
217 will ultimately have access through these subdivisions or through Piatt Road and further
218 north.

219
220 Mr. O'Brien said the Home Road overpass was never built. Mr. Thomas said Trucco did
221 not have any future access to Home Road and they lost their entire access. They told him

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

REGULAR MEETING

TUESDAY, JULY 25, 2017, 7:00 PM

222 that Gregory Road would become a cul-de-sac at some place along that corridor because
223 of the grade necessary to achieve an overpass over the railroad track.

224

225 Mr. O'Brien asked how the letter affected the subject property. Mr. Thomas said it does
226 not affect the zoning. Mr. O'Brien said he was referring to the road. Mr. Thomas said
227 this was the overall traffic study for the three zonings including the Southwoods,
228 Westfield, and Eaststone Crossing developments all at one time.

229

230 Mr. O'Brien asked whether the applicant is required to provide right-of-way for a four-
231 lane road for Cheshire Road. Mr. Thomas said "yes." Mr. O'Brien asked about the cul-
232 de-sac and he asked about the dimensions of that. Mr. O'Brien said the fire department
233 had indicated that it needs to meet the county standards, but the BZC usually requests
234 more.

235

236 Mr. Faris said it is 96' across for the cul-de-sac itself and the right-of-way is 112". Mr.
237 O'Brien asked whether the county standard addresses the grass in the center or not. Mr.
238 Faris said it does not allow grass.

239

240 Mr. O'Brien asked who would pay for the future cul-de-sac action. Mr. Thomas said the
241 funds would have to be escrowed as part of the process. Mr. O'Brien asked whether it
242 would have to be escrowed in perpetuity. Mr. Thomas said typically the timeframe is 30
243 years.

244

245 Mr. O'Brien said he read that the cul-de-sac is installed when Piatt Road goes in. Mr.
246 Thomas said that is when it connects into the development. Mr. O'Brien said it did not
247 say that. Mr. Thomas said it does not answer the question directly. Mr. O'Brien said he
248 did not know how that would be done if the road does not touch Piatt Road. Mr. Thomas
249 said if he does the modification for the amendment or files for a rezoning he should have
250 that language updated to indicate that would be done when Eaststone Crossing is
251 connected to Piatt Road.

252

253 Mr. Spangler said he has the same concerns that Mr. O'Brien has. The plan is OK as to
254 the lot sizes, the density, and setbacks being the same as the original application.
255 However, it does not configure with the other properties now, which he is not comfortable
256 with. When he first looked at the application, he wondered why it is an amendment
257 instead of a new application. This is amendment #1, and he asked whether there is an
258 amendment #2 to further complicate this process. He is not comfortable with it at all.

259

260 Ms. Kaplan asked for additional information. She asked whether the Roll property was
261 approved originally as part of the Eaststone Crossing development but it has excluded
262 itself. Mr. O'Brien said he has not seen the Rolls say they want it excluded. They wanted
263 to develop it, but they are not part of Eaststone Crossing at this point. Mr. O'Brien said
264 they may want to do what was approved on their land, and asked what would happen if
265 this proposal was approved?

266

267 Ms. Kaplan said that was approved as part of Eaststone Crossing, and she said that would
268 seem to matter. Mr. Thomas said he did not think it could be developed as approved
269 because part of the property is not owned by the applicants, the current property owners or
270 the Rolls, so whatever applied previously when it crossed the current owner's property,
271 that cannot be developed in the manner that was previously approved.

272

273 Mr. O'Brien said somewhere in the zoning resolution he believed it states that the
274 property owner must sign an approval to have their property zoned, and he asked whether
275 the Rolls had signed an approval for the existing zoning. Mr. Thomas said "Yes." Mr.
276 O'Brien said that it cannot be accepted because the Rolls have not approved the request.

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

REGULAR MEETING

TUESDAY, JULY 25, 2017, 7:00 PM

277 Mr. Heid said he was not able to find that. Mr. O'Brien said it may be a trustee
278 resolution.
279
280 Mr. Heid said he did not think that was indicated anywhere and he had checked to see
281 whether the property would revert back to what it was before if somebody pulled out. Mr.
282 O'Brien said he thought it was on the zoning application and that was Board-adopted.
283 Mr. Heid said he did not think so.
284
285 Ms. Kaplan said she is struggling to understand why issues like the roads not matching
286 matter, because they are rezoning the property. Mr. O'Brien said the Rolls have a right to
287 develop their property. Ms. Kaplan said that they could not right now, even if they
288 wanted to, easily develop their property with the approved plan because there are lot lines
289 that straddle the two properties. They would have to come back for a rezoning.
290
291 Mr. Heid said it is zoned as an R-2 PRD and they could redesign the lot sizes to the
292 required sizes, etc. but he is sure that the county engineer would make sure the roads lined
293 up, etc. Ms. Kaplan said who would be responsible for making that shift.
294
295 Mr. O'Brien said the one property at the bottom has no road access currently. Mr. Heid
296 said the county still has an overriding view of those 3 parcels and they would require them
297 to match up to the roads in there. Ms. Kaplan said it would be nice if a letter had been
298 provided indicating what the Rolls want to do.
299
300 Mr. Heid asked whether a release could be requested of the Rolls that indicates they will
301 not develop the property except in concert with any development that the property
302 touches. Mr. O'Brien said rezoning back to FR-1 would solve all the problems.
303
304 Mr. Faris suggested putting a plan over the existing rezoning to show how the
305 connectivity would work as an amendment.
306
307 Ms. Kaplan said the tiny pond indicated is indicated as a dry pond, but it is blue. She
308 asked whether it is dry or not. Mr. Faris said it is dry detention and it is probably too small
309 to be wet. Ms. Kaplan said the others are retention ponds but they say detention ponds.
310
311 Mr. Bardash said that regarding the text transferring over, it indicates the headwalls will
312 be stone, but not the end walls. Mr. Faris agreed to change the text. Mr. Bardash asked
313 whether there would be fountains in all four of the ponds. Mr. Faris said there would be.
314
315 Mr. Valentine said he did not see any mounding or other barrier to the Roll property. Mr.
316 Faris said he could incorporate a buffer or mounding in that location although it would be
317 on the rear of the lots. There is a 50' setback from that line. Mr. Bardash asked whether a
318 fence would be better there for agricultural reasons. Mr. Valentine said he would like to
319 know what the Rolls would prefer and would like a letter from the Rolls indicating that,
320 and also indicating that it go back to the way it was because it is messy.
321
322 Mr. O'Brien said he may want to keep the current zoning and amend it to show a plan that
323 would be workable that incorporates the density and open space. Mr. Faris said it may be
324 easier to do that than a rezoning.
325
326 Mr. Heid said it really does not matter if he goes one way or the other; if he wants to leave
327 it R-2 PRD, all he would need to do is put a mound there and go forward, as long as the
328 Rolls are informed of what is planned. Mr. O'Brien said a plan that touches up against it
329 is needed; if it is FR-1 or a development that is workable and makes sense, that works too.
330 But what does not work is this development up against another development that does not
331 work.
332

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

REGULAR MEETING

TUESDAY, JULY 25, 2017, 7:00 PM

333 Mr. Valentine said this development will have a homeowners association, and the Roll
334 property may have a different one, so this is messy. Mr. Heid said it would have to be
335 completely separated from Eaststone Crossing.

336
337 Mr. Johnson said the original plan had lots that spanned the property but now those lots
338 that span the property lines have been changed. The original plan for those lots is now
339 being changed even though they were not included in the notice.

340
341 Mr. O'Brien said there used to be a law where if there are 10 or more properties, the
342 newspaper is sufficient notice and he asked whether this was at that level yet. If the Roll
343 property is included those adjacent property owners must be notified. Mr. Johnson agreed
344 and said that the original plan that includes those lots has effectively been changed.

345
346 Mr. Heid said the adjacent homeowners were notified about the original Eaststone
347 Crossing and that is still R-2 PRD. It has nothing to do with the internal layouts because
348 that could be changed at any time. It is currently zoned R-2 PRD and all the adjacent
349 homeowners already know that it is.

350
351 Mr. Heid said if the Roll property is changed back to FR-1 with their permission, it would
352 be another zoning change and all the adjacent property owners would need to be notified.
353 If it is to stay R-2 PRD, the Rolls would need to provide a letter indicating that if they
354 decide to develop their property, they understand the current zoning and if they want to do
355 something different they would need to apply for a zoning change or request a
356 modification of the zoning from the BZC.

357
358 Mr. Johnson asked whether it was correct that this amendment was not changing the
359 zoning on these existing lots but they needed to advertise that the BZC was going to have
360 a meeting to review the amendment on the subject lots. He asked why they had to
361 advertise that they were going to have a meeting to review the amendment on the subject
362 lots. He asked why the Roll lots would not be subject to this.

363
364 Mr. Heid said that is because nothing is being changed on that and it is still the same
365 zoning. Mr. Faris said this still is not the final plan approval, which must be brought back
366 in the future.

367
368 Ms. Rippel said she did not notify the two parcels that were removed from the
369 development. She asked if she should have sent notices for those parcels. Mr. Thomas
370 said he didn't think so; he also posted signs at the development, and the Rolls are aware
371 that he is here to modify the plan. Mr. Faris said the Rolls are on the list of notifications
372 he sent out. Mr. Thomas asked whether Ms. Rippel followed the list he provided in the
373 application. Ms. Rippel was not sure and said she does her own research to create the list
374 of people to be notified.

375
376 Ms. Rippel said she thought once a property had been rezoned, it could not go back to FR-
377 1 unless the property owner came back in to rezone the property. Mr. O'Brien said the
378 BZC should consult an attorney regarding this.

379
380 Ms. Rippel said that it seems that a property rezoned residentially would be worth more
381 than a property zoned FR-1.

382
383 Mr. Heid said this is the same situation as if the Rolls had decided to not develop their
384 property because for example, they found oil on the property, except that they are not
385 ceding that property to the applicant for development, and they do not own it. Mr.
386 Thomas said the phasing plan and original layout would not be followed so it would seem
387 an amendment would be required. It would seem to be easiest to amend the overall plan.

388

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

REGULAR MEETING

TUESDAY, JULY 25, 2017, 7:00 PM

389 Mr. Heid said that would be possible although he did not see a big difference. Mr.
390 Thomas said where the roads line up is probably more important than anything else. Mr.
391 Spangler said he did not think the plan could be amended to exclude 20 acres of property.
392 Mr. Heid said the zoning resolution indicates that a zoning can be amended if the land or
393 density changes. Mr. Spangler said 20 acres of the development is being excluded. Mr.
394 Heid said item H.) indicates that “a change of the acreage in the planned development”
395 may be considered as an amendment.

396
397

398 Mr. O’Brien said an example would be Glenmead, which was developed and then part of
399 it was donated to the school. Mr. Heid said that property is still zoned the same as
400 Glenmead was zoned and that is not a problem.

401

402 Chuck Orth, 6854 Hyatts Road, said he has been in this position before, and his opinion is
403 that the Rolls should hold their zoning, and Mr. Faris could ask the Rolls to agree to
404 modify their plan based on doing an R2 zoning to make it meet up with their roadway
405 system. They will not want to give up their rights to their zoning, which adds more rights
406 to their property. For Glenmead, he had a plan that was amended to include the same
407 development standards that were approved during the original zoning. He suggested
408 obtaining a letter from the Rolls stating that they would maintain their zoning but redesign
409 it to meet the new criteria. If the Rolls do not want to do that, a new application would
410 probably need to be filed.

411

412 Ms. Amrine asked whether the applicants have approached the Rolls since their contract
413 ended. Mr. Thomas said the Rolls made it very clear to him that he should never come
414 back. Prior to that, he had around a dozen meetings to try to convince him to stay the
415 course.

416

417 Ms. Kaplan said even if a new plan is still filed, there will still be the same problem with
418 the roads not matching and Roll property being rezoned already. Mr. O’Brien said they
419 could get around that problem by filing a new rezoning, indicating the property to be
420 rezoned. Ms. Kaplan said it would not match with the Roll property. Mr. O’Brien said
421 the BZC would then decide whether the new plan was acceptable. Mr. Heid added that
422 Delaware County would require that the developer interface with those streets, just like
423 they have with all the others.

424

425 Mr. O’Brien said that would be dealt with at the Delaware County Regional Planning
426 Commission (DCRPC), who would make a recommendation to the BZC. Mr. Faris said
427 he sent this to DCRPC, but they did not want to see this application again.

428

429 Mr. O’Brien said there appears to be three options, but none of them include an approval
430 this evening. Mr. Thomas said the cleanest option appears to be to get the Rolls to agree
431 to the changes in the amendment, and Mr. Faris working with the Rolls to get an
432 alignment that works, and get a letter from the Rolls that states those changes are
433 acceptable. Mr. O’Brien said his goal is not to stop the development. Mr. Valentine said
434 the township needs to be made whole again.

435

436 Mr. Heid asked whether there was a way the BZC could tentatively approve this,
437 assuming that the applicant has the document from the Rolls. Mr. Bardash said the BZC
438 does not know what the Rolls will say; he may want the property to be rezoned as FR-1.
439 Mr. Heid said if he says he wants to go back to FR-1 they still have the stub streets, or if
440 they stay at R-2/PRD they guarantee that the alignment of those streets will be interfaced
441 to Eaststone Crossing.

442

443 Mr. Valentine said the Rolls would also need to agree to another homeowners association
444 and other details; there are many unanswered questions and he did not think an approval

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

REGULAR MEETING

TUESDAY, JULY 25, 2017, 7:00 PM

445 could be contingent on unknown facts. Mr. O'Brien agreed. Ms. Rippel said the next date
446 available was August 22, 2017, and the information would need to be submitted around
447 August 8 or 9.

448
449 Mr. Thomas asked for a tabling and continuance to August 22, 2017.

450
451 **RESOLUTION 2017.07.25.#A: TABLE AND CONTINUE BZC #16-009 AMENDMENT #1**

452
453 Mr. O'Brien made a motion to continue and table BZC #16-009 Amendment #1 until
454 August 22, 2017 at 7:00 p.m. at 3271 Cheshire Road. Mr. Spangler seconded the motion.
455 Vote: O'Brien, yes; Spangler, yes; Bardash, yes; Kaplan, yes; Valentine, yes.

456
457 Mr. Heid asked whether the Roll parcels need to be included when the hearing is
458 advertised next time. Mr. Thomas said continuances do not require re-advertisement. Mr.
459 O'Brien said it would depend on what they come back with. Mr. Heid said if a rezoning
460 is requested, notices will need to be sent out.

461
462 There was a 5 minute break. Meeting returned to session

463
464 **AGENDA ITEM: INFORMAL PRESENTATION WITH METRO DEVELOPMENT**
465 **REGARDING WESTFIELD LAKES SUBDIVISION.**

466
467 Mr. Faris referenced the road being shut off at Gregory Road; the overpass will come
468 across and the entry must be as far away from the railroad tracks as possible. Ultimately
469 that will probably be removed and Gregory Road will come out and be converted to a cul-
470 de-sac or tie into the subdivision. This new layout includes it extended out so Gregory
471 Road can turn into that so there is not a cul-de-sac. He said this one is cleaner because he
472 came in with the Roll property as a separate rezoning and it is really not tied to this piece
473 of ground. He would like to request smaller lots in this area; prior to this, they were 80'
474 wide lots.

475
476 Mr. Faris said Mr. Thomas was to bring a product to this area that is different, but that
477 product fits on the 60' wide lot and to do that he would request a decrease in the side yard
478 setback from 12.5' to 5'. He met with the fire chief but has not heard back from him yet.
479 He is also requesting an increase in the density. The density for this area is 1.85 units/net
480 developable acre, and he is looking at a plan that is 2.2 units/gross acre. The open space
481 would be maintained, but the lot sizes would be smaller, the setbacks would be less
482 between the units, and the front yard setbacks would be smaller as well.

483
484 Mr. Faris said the product would be more of a cottage-style with less maintenance
485 required.

486
487 Mr. Thomas said he is back before the BZC because the connection with the Roll property
488 is no longer. He also looked at the overall cost of development. The property fronts
489 Gregory Road as well as Cheshire Road, and also has an access onto Cheshire Road, so
490 the cost for this development became unfeasible. So he looked at a different option to
491 bring to the township an Epcon development that would be similar in elevation style in
492 Orange Township off of Hidden Ravine Drive behind Gordon Food Service.

493
494 Mr. Thomas said that is an empty nester community and those are true condos. Proposed
495 is a similar product that would be fee-simple lots with the same type of products, where
496 the maintenance of the exterior would be the responsibility of the association. There
497 would not be a true condominium association but instead would be different layers of
498 homeowners association responsibilities.

499

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

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TUESDAY, JULY 25, 2017, 7:00 PM

500 Mr. Thomas said the maintenance of the exterior and the maintenance of the lots has been
501 done throughout central Ohio on fee-simple lots, and this is just another way to divide lot
502 lines. Condominiums have common space with no real lots lines, whereas fee-simple lots
503 area the responsibility of the lot is the responsibility of the actual homeowners.
504

505 Mr. Thomas said this product will be around 1,800 SF and the average sale price would be
506 \$400,000. It will have very low impact on the school district because it will generate
507 fewer students at .25 to .1 students per unit, compared with what he said was about 1
508 student per unit for single-family housing. The ratio would depend on the type of unit;
509 this would be all two-bedroom units, although there is a possibility to have a 3-bedroom
510 loft unit and a second story which really is a half story. This type of development is not
511 very conducive to children so it probably leans more towards the .1 student per household.
512 The lower impact to the schools is a nice product for the township and the overall area.
513

514 Mr. Thomas said he is trying to bring a quality housing product to the township, a well-
515 received empty-nester product that is well-desired throughout southern Delaware County.
516 He said the density would be slightly increased, but that would give him the ability to
517 spread the cost over a greater number of units for the improvement fund to pay for
518 Gregory Road as well as the turn lane off of Cheshire Road.
519

520 Mr. Thomas said the discussion here is always, when is Gregory Road going to change?
521 The county has no anticipation of the overpass happening anytime soon, and some are
522 estimating within 15 years. By that time, all these developments will be completed and the
523 cost to develop this site will forever be the burden of this particular property. The
524 developer is responsible for improving Gregory Road, where there are two entrances, and
525 the road right-of-way would need to be improved as far as the overall pavement section.
526

527 Mr. Thomas said when road frontages are done within Delaware County, one must
528 increase and improve the berm section to their standards, which results in essentially
529 replacing the entire road. He said the turn lanes at Cheshire Road are also adding costs.
530 The tradeoff would be the empty nester product, which would be less impact on the
531 school district. Mr. Thomas said this would be a high quality product.
532

533 Mr. Bardash said he has seen these types of units and he has a feeling that is not what the
534 township wants here. He would like to hear from other members of the BZC. He
535 wondered whether this is something that is coming one way or the other or whether it is
536 something the township could still push to avoid.
537

538 Ms. Kaplan asked what the original number and proposed number of units is. Mr. Faris
539 said it is 63 and 99, respectively. Mr. Faris said that there would be fewer school children
540 generated from this development than the prior approval, and also the traffic pattern
541 would be different as well; there is much less pattern at the peak hours. Mr. Thomas said
542 there are usually 10 trips per day for a single-family home, and just around 3-4 trips per
543 day for a condominium/empty nester product, so only about 1/3 of the single family trips.
544

545 Ms. Kaplan asked what the acreage for the site is. Mr. Faris said it is 45 acres. Ms.
546 Kaplan said regarding going from a 12.5' side yard to 5', the 12.5' was already a
547 divergence. Mr. Faris said it was not in this R-3 district. Mr. Heid said the distance
548 between structures is 25', which is why it is 12.5'.
549

550 Mr. Bardash said the applicant is not requesting 12.5'. Mr. Thomas said that is correct
551 and it is 5'. Mr. Heid said that would be a divergence. Ms. Kaplan said that would be 10'
552 between structures. Mr. Thomas said that is the traditional separation between this type of
553 product; it provides larger homes and less lot to maintain.
554

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

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TUESDAY, JULY 25, 2017, 7:00 PM

555 Mr. Valentine asked whether it was correct that he has not heard back from the fire chief
556 yet. Mr. Thomas said he has not, and that it is per fire standards per the Ohio Building
557 Code for the separation between buildings. That code incorporates the International Fire
558 Code, and indicates a 5' side yard separation. That setback can be less if the structure
559 itself is fire-rated, including as low as 3' of separation between property lines.

560

561 Mr. Spangler said he does not have a problem with this kind of structure and he thinks
562 they are fine, but he has a problem with the density, setbacks and lot sizes.

563

564 Mr. O'Brien said he has been through many communities; he has seen this density in
565 Genoa Township that worked and is beautiful, and he has seen this density in Genoa
566 Township that looks hideous. The way these roads are, he would tend to put this in the
567 "hideous category." When there is a view, the units can be close together. However, the
568 view here is the neighbor's back wall. He knows they have the constraints of the power
569 lines, so maybe this proposal may not work with this property.

570

571 Mr. O'Brien said he does not like this configuration; if everybody has a view of a fountain
572 that may work, like in Genoa Township, which was also very well-landscaped. If the
573 divergences are requested, he would also want to see the exact color pallet, the materials,
574 where every tree is located and what kind, all the road and path detail to see if it really
575 works. He likes the materials, but he reminded the applicant that applicants have proposed
576 various things but what is built ends up being different than what was stated could be.

577

578 Mr. O'Brien said he does not like the idea of Gregory Road being a cul-de-sac, but not
579 doing that will result in high traffic levels through there, and this is too high-density for
580 that much traffic. If the overpass is coming that will be a wall which is different than
581 trees. If the applicant came with the right product and configuration so everybody has a
582 view, there are people who want this type of product.

583

584 Mr. Valentine said Carson Farms seems similar to these "home-a-miniums" but they at
585 least have alleys between them. Back to back yards like this would probably not get very
586 far. Mr. Thomas said they would sell like "hotcakes."

587

588 Mr. O'Brien said that in some of the areas in Genoa Township that are not working, the
589 demarcation of property is not working so it looks rundown. Once it starts to look
590 rundown, other people stop taking care of their exteriors. The association has power and
591 he would want to see that language which is a positive.

592

593 Mr. Valentine asked whether this change would go back before the DCRPC. Mr. Heid
594 said that it would. Mr. O'Brien said he would not want to consider it if it did not.

595

596 Ms. Rippel asked whether this would be a new application or an amendment. Mr.
597 O'Brien said he did not think it would be a new application because it has already been
598 approved. Mr. Bardash said it would be a major deviation. He said the lower half is not
599 as bad, but it's the three prongs up at the top.

600

601 Mr. O'Brien said the green space would have to be done professionally and could not be
602 left natural because the residents need to use that space. Mr. Valentine said the garages
603 are all front loaded.

604

605 Ms. Amrine said she lives in Springfield and these units sell before they are even put on
606 the market. People get tired of big houses and mowing their yards.

607

608 Mr. Heid asked whether they would bring the proposal in as an amendment or a new
609 application. Mr. Faris said he would discuss that with him and decide.

610

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

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REGULAR MEETING

TUESDAY, JULY 25, 2017, 7:00 PM

AGENDA ITEM: OTHER BUSINESS

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Ms. Rippel said she has provided the Old Harbor section 2 final development books. She said there will be an informal presentation with Mike Shade and Judith Hook on two parcels on Hyatts Road on August 8th.

Mr. Valentine said the next meeting is scheduled for Tuesday August 8, 2017 at 7:00 p.m.

An audience member asked when the Piatt Road extension would be completed and how many lanes it would be. Mr. Heid said they want to try to have it ready to Berlin Station by the time Berlin High School opens in August 2018.

Mr. O'Brien asked whether the width of it that road is planned to be the same as that from Peachblow Road to Shanahan Road. Mr. Heid said he believed it may be wider. Mr. O'Brien said the county engineer's office would know and he provided the phone number.

There was no further business. Motion to adjourn. Meeting adjourned.

SYNOPSIS

❖ Resolution 2017.07.25.#A: Table and Continue BZC #16-009 Amendment #1 to August 22, 2017 at 7:00 p.m.

Toni Korleski, Chairperson

Jerry Valentine, Vice-Chairperson

Darcy Kaplan, Member

Steve Spangler, Member

Ken O'Brien, Member

Mike Bardash, 1st alternate member, seated

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