

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

REGULAR MEETING

TUESDAY, OCTOBER 23, 2018 7:00 PM

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

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4 **CALL TO ORDER**

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6 The meeting was called to order by Toni Korleski at 7:00 PM.

7
8 Ms. Kaplan led meeting attendees in the pledge of allegiance.

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10 BZC members present: Chairman Toni Korleski, Vice-Chairman Jerry Valentine, Darcy
11 Kaplan, Ray Armstrong (2nd BZC alternate)

12 Also present: Zoning Inspector David Loveless, Zoning Secretary Cathy Rippel, Zoning
13 Clerk Lisa Knapp

14 Not Present: BZC members Mike Bardash and Martin Johnson, BZC 1st alternate
15 member Steve Flaherty.

16
17 Ms. Korleski said that typically the BZC is made up of 5 members, and two alternates
18 that typically sit in the audience. However, tonight two members are out of town and one
19 just had surgery so that has made for a complicated situation.

20
21 Ms. Korleski read the adopted BZC policy statement.

22 **AGENDA ITEM: LEGAL NOTICE**

23 Ms. Knapp said this meeting was advertised in the October 10, 2018 Delaware Gazette,
24 as follows:

25
26 *BERLIN TOWNSHIP ZONING COMMISSION*
27 *NOTICE OF PUBLIC HEARING*

28
29 The Berlin Township Zoning Commission will hold a meeting for the purpose of
30 public hearing October 23, 2018 at 7:00 p.m. at the Berlin Township Hall located at
31 3271 Cheshire Road, Delaware, OH 43015 in order to consider an application,
32 designated as BZC 18-001, filed by John C. Wicks, 267 North Liberty Street,
33 Powell, OH 43065. The applicant is requesting approval of a preliminary
34 development plan to rezone, Parcel's#41843301004000, 4175 S. Old State Rd;
35 41843301002000, 4127 S. Old State Rd; 41843302003000, 4180 S. Old State Rd;
36 41843302002000, 4088 S. Old State Rd; & 41841843302005000, 0 Hollenback Rd.,
37 all in Lewis Center, OH 43035 from Farm Residential District (FR-1) to Transitional
38 Planned Unit Development (TUPD) 53.62 ± acres, for a condominium development
39 with 140 patio homes known as Villas at Old Harbor.

40 The text and map of this application will be available for public examination,
41 excluding legal holidays; October 12, 2018 to October 23, 2018, Monday-Friday
42 from 8:00a.m. to 4:30 p.m. at the Berlin Township Zoning Office located at 3271
43 Cheshire Rd., Delaware, OH 43015. For questions call David Loveless,
44 Zoning Inspector at 740.548.5217 x103. Also, you can find the text and
45 map on the Berlin Township website www.berlintwp.us

46 After the conclusion of the hearing, the matter will be submitted to the Board of
47 Township Trustees for its action. The person responsible for giving notice of the
48 public hearing by publication is Cathy Rippel. Township residents are
49 encouraged to attend.

50
51 *BERLIN TOWNSHIP ZONING COMMISSION*
52 *Toni Korleski, Chairwoman*

53 **AGENDA ITEM: APPROVAL OF MINUTES**

54 Mr. Valentine made a motion to approve the minutes from the 9/25/18 BZC meeting, as
55 presented. Ms. Kaplan seconded the motion.

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56 Vote: Valentine, yes; Kaplan, yes; Armstrong, abstain; Korleski, yes. Motion carried.

57

58 Ms. Kaplan made a motion to approve the minutes from the 10/09/18 BZC meeting, as
59 presented. Mr. Armstrong seconded the motion.

60 Vote: Kaplan, yes; Armstrong, yes; Valentine, abstain; Korleski, yes. Motion carried.

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AGENDA ITEM: INTRODUCTION OF MEETING ATTENDEES

62 ♦ Kyle Reineke, 4139 S. Old State Road.

63 ♦ Joe Korleski, 3581 Greenville Drive

64 ♦ Marti Davis, 1950 Lackey Old State Road

65 ♦ Donald Hinds, 3141 Hollenback Road. Most of his 87-acre property will border
66 this development.

67 ♦ Chris Mabry, 4194 Mainsail Drive

68 ♦ John Kowalski, 6728 Silverton Lane

69 ♦ Joe Scott, 2843 Griffin Drive

70 ♦ Wayne Piatt, 4600 S. Old State Road

71 ♦ Doug Hedges, 3049 Hollenback Road

72 ♦ Jeani Good, 4567 Marilyn Drive

73 ♦ Kitz Pollock, 3667 Hollenback Road

74 ♦ Nikki Moore, 4090 Mainsail Drive

75 ♦ Marsha Moore, 4090 Mainsail Drive

76 ♦ Barbara Sherman, 1469 Africa Drive

77 ♦ Donald Tincher, 4175 S. Old State Road

78 ♦ Joanne Stanley, 4180 S. Old State Road

79 ♦ Matt Stanley, 4180 S. Old State Road

80 ♦ Pam Arnold, 4129 Mainsail Drive

81 ♦ Jillian Koch, 3895 Cardinal Court

82 ♦ Jamie Mank, 4048 Mainsail Drive

83 ♦ Jason Mank, 4048 Mainsail Drive

84 ♦ Jessica Zamora, 4062 Mainsail Drive

85 ♦ Brian Murphy, 4130 Mainsail Drive

86 ♦ Amy Murphy, 4130 Mainsail Drive

87 ♦ Saeed Rezaei, 5675 Rocky Shore Drive

88 ♦ Chris Germann, 4127 S. Old State Road

89 ♦ Phil Germann, 2425 Peachblow

90 ♦ Karen Vourvopolous, 4006 S. Old State Road

91 ♦ Patrick Carson, 4040 S. Old State Road

92 ♦ Katrina Carson, 4040 S. Old State Road

93 ♦ April Bagley, 4024 S. Old State Road

94 ♦ Joe Jantzen, 4088 S. Old State Road

95 ♦ Greg Binder, 3850 Berlin Station Road

96 ♦ John Wicks, 267 N. Liberty Street

97 Ms. Korleski said it was nice to see such a full crowd at this meeting.

98

99 Ms. Korleski read a letter of support for the development into the record as follows:

100

101 *Berlin Zoning Commission*

102 *3271 Cheshire Road*

103 *Delaware, OH 43015*

104 *Attention: Chairperson*

105

106 *Dear Madam Chairwoman:*

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108 *We are residents of Berlin Township and are unable to attend the October 23rd zoning*
109 *hearing for the project known as The Villas at Old Harbor. We have reviewed the*

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110 *project proposal in detail and would like to express our support for the zoning*
111 *amendment being requested by Real Property Design and Development. The private,*
112 *gated community with ranch-style patio homes being proposed does not exist in Berlin*
113 *Township and is sorely needed for aging residents. We support the slightly higher*
114 *density being proposed in order to have a high-quality private community with all the*
115 *amenities shown. We would like to ask the Township to ensure the developer is*
116 *responsible to widen South Old State Road at the entrances so that through traffic*
117 *won't be held up.*

118
119 *Sincerely,*
120 *Randi & Joshua Keen, 538 Lackey Old State Road*
121 *David & Tana DeMoss, 4206 Curve Rd.*
122 *Tim & Pam O'Brien, 4017 Curve Road*
123 *Mike & Julie Wilson, 3700 Curve Rd.*
124 *Jason & Laura Zinsmeister, 4061 Berrywood Drive*
125 *Dillon & Bridget Keene, 4081 Curve Road*

126
127 Applicant Presentation

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129 Mr. Wicks thanked the BZC for the opportunity to be here. He noted there was one
130 correction in the legal notice: though the parcels mentioned total up to 53± acres, at the
131 request of the BZC from a prior meeting, he has removed some pieces of a couple of the
132 parcels that are not going to be included. His intent is to keep the appearance of the
133 corridor of South Old State Road as close as possible to its current appearance. He will
134 leave the houses located at the corner of Hollenback Road and S. Old State Road, just to
135 the north of the entrance on the west side, and the house to the north of that as well.
136 Development would then occur behind those properties, similar to the property on the
137 east side.

138
139 Mr. Wicks said the actual amount of acreage being requested to be rezoned is 46.83 acres
140 and that has been included in the rezoning application Ms. Korleski clarified that the
141 53.62 acres cited is incorrect.

142
143 Mr. Wicks said there are only four of five BZC members present at this hearing and it is
144 his understanding that an absentee vote is equal to a “no” vote, so he requested a tabling
145 to a date certain at the next available date available. Ms. Rippel discussed the upcoming
146 meeting dates. There was a discussion about the next available date.

147
148 Mr. Wicks said that 10/30/18 would work for him. Mr. Armstrong said if the hearing
149 goes forward at this point, the applicant would not get a fair judgment call because 3 of
150 the 4 attending members would need to vote “yes” to approve the application. With one
151 empty seat, the applicant already has one vote against him without having presented the
152 application.

153
154 Ms. Knapp suggested a brief recess to check with the alternate members to make sure at
155 least one of them could attend the meeting.

156
157 Mr. Valentine said there is a group of residents here who may wish to speak and discuss
158 their concerns. Mr. Wicks said he has not had the opportunity to present the application
159 yet. Ms. Korleski said the residents who cannot attend the 10/30/18 BZC meeting could
160 also put their concerns in writing and email them to the zoning office, and they would be
161 read into the record at that meeting.

162
163 There was a brief recess.
164 Hearing was returned to session.

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166 Ms. Korleski said the extra meeting is fine with the trustees, and there should be five
167 BZC members present at the 10/30/18 BZC meeting.

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RESOLUTION 2018.10.23 #A: TABLE BZC #18-001

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Mr. Armstrong made a motion to table BZC #18-001 to Tuesday, 10/30/18 at 7:00 p.m. at Berlin Township Hall. Mr. Valentine seconded the motion.
Vote: Armstrong, yes; Valentine, yes; Kaplan, yes; Korleski, yes. Motion carried.

AGENDA ITEM: OTHER BUSINESS

Mr. Armstrong said he talked with Scott Sanders, director of the Delaware County Regional Planning Commission. Mr. Sanders said his employee, first name Phil, has already been working on the DCRPC's portion of the Comprehensive Land Use Plan (CLUP), which includes the demographics, and that should be ready to go soon.

Mr. Armstrong said he also spoke with Mr. Sanders about floating the zoning cloud over the US 36/SR 37 area as well as the issues with the Berkshire Township zoning resolution language. Mr. Sanders suggested that he come to a BZC meeting to discuss how to modify that part of the code. He also learned he has plenty of hours remaining on the DCRPC contract at this point, but if more are needed he can create a contract for more hours.

Mr. Armstrong said he spoke with the trustees who told him they would have no problem approving additional hours for that.

There was discussion about placing the matter on the 11/13/18 BZC meeting.

Ms. Korleski said the BZC could initiate the changes to the demographic areas. Ms. Rippel said the BZC can initiate a change to the CLUP or the zoning resolution.

Mr. Armstrong said the BZC needs to think about what they want in the planned mix use district. For example, Berkshire has residential, commercial and industrial development, all in one overlay. However, it may not be desirable to include all of that in the zoning cloud. He said the BZC may wish to add development standards as well.

Mr. Armstrong asked how much of the Berlin Township portion of US 23 has not already been developed. Mr. Loveless said there are a few parcels that have not been developed. Mr. Armstrong said the BZC should consider additional language. He noted that if an applicant wants something that was not included in the cloud, they must go through the regular zoning process.

Mr. Valentine asked whether an application for zoning under the cloud would need to be reviewed by the DCRPC. Mr. Armstrong was not sure and Ms. Korleski and Ms. Kaplan thought it would be. Mr. Armstrong reviewed a few issues Berkshire Township had encountered in their mixed use districts and said the BZC needs to ensure that everything they want referenced is included and all of that is covered.

Other Business from the Zoning Inspector

Mr. Loveless said Cheshire Village would like to install a 190' monopole cell tower and they are using an exemption to put it on commercial property that does not require zoning. He has discussed the issue with Assistant County Prosecutor Mark Fowler.

Mr. Armstrong said he dealt with a similar issue a few years ago, where he learned that if a tower is installed that reaches or crosses the property boundary, that is considered a taking. A mortgage loan guaranteed by the federal government cannot be obtained for a property that can be impacted like that by a tower. Ms. Korleski said she thought that was already in the zoning resolution. Mr. Loveless said they are bypassing the zoning resolution by using this exemption, which allows the towers on commercial property. However, this commercial property is surrounded by residential property.

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226 Ms. Korleski said she did not think the applicants could do that. Mr. Loveless said
227 originally they wanted a 300' tall tower. Ms. Korleski asked what a taking is. Mr.
228 Armstrong explained that it was like eminent domain, where property rights are taken.
229

230 Ms. Korleski asked whether there had been any follow-up regarding The Greenery
231 property on US 23. Mr. Loveless said there had not been.
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233 Ms. Korleski said the next BZC meeting will be on 10/30/18 at 7:00 p.m.
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235 There was no further business to come before the Commission. Motion to adjourn.
236 Meeting adjourned.
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Toni Korleski, Chairperson

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Jerry Valentine, Vice-Chairperson

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Darcy Kaplan, member

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Mike Bardash, member

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Martin Johnson, member

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Steve Flaherty, 1st alternate member

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Ray Armstrong, 2nd alternate member

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

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