

**BERLIN TOWNSHIP ZONING COMMISSION (BZC)**

*OF DELAWARE COUNTY, OHIO*

**REGULAR MEETING**

**TUESDAY, NOVEMBER 27, 2018 7:00 PM**

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

3  
4 **CALL TO ORDER**

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

7  
8 Resident Donna Reynolds led meeting attendees in the pledge of allegiance.

9  
10 BZC members present: Chairman Toni Korleski, Vice-Chairman Jerry Valentine, Darcy  
11 Kaplan, Mike Bardash, BZC 1st alternate member Steve Flaherty (seated).

12 Also present: Ray Armstrong (2<sup>nd</sup> BZC alternate); Zoning Inspector David Loveless,  
13 Zoning Clerk Lisa Knapp, Zoning Secretary Cathy Rippel,

14 Not Present: BZC member Martin Johnson.

15  
16 Ms. Korleski read the adopted BZC policy statement.

17 **AGENDA ITEM: APPROVAL OF MINUTES**

18 This meeting was tabled from the 10/30/18 meeting, which was tabled from the 10/23/18  
19 BZC meeting, which was advertised in the October 10, 2018 Delaware Gazette.

20 **AGENDA ITEM: APPROVAL OF MINUTES**

21 Mr. Bardash made a motion to approve the minutes from the 11/13/18 BZC as presented.

22 Ms. Kaplan seconded the motion.

23 Vote: Bardash, yes; Kaplan, yes; Valentine, yes; Flaherty, abstain; Korleski, yes.

- 24 • Dave Brobeck, 3878 Mariner's Way  
25 • Marti Davis, 1950 Lackey Old State Road  
26 • Dave Davis, 1950 Lackey Old State Road  
27 • Donna Reynolds, 3385 Piatt Road  
28 • Karen Vourvopolous, 4006 S. Old State Road  
29 • Katrina Carson, 4040 S. Old State Road  
30 • April Bagley, 4074 S. Old State Road  
31 • Jim Wise, 737 Shanahan Road  
32 • Andy Northeim, 815 Shanahan Road  
33 • Barbara Sherman, 1469 Africa Road  
34 • Mitzi Pollock, 3667 Hollenback Road  
35 • John Wicks, 267 N. Liberty St.  
36 • Marsha Moore, 4090 Mainsail Drive  
37 • Julena Tincher, 4175 S. Old State Road  
38 • Joann Stanley, 4180 S. Old State Road  
39 • Matt Stanley, Marengo, Ohio  
40 • Linda Dudley, 3081 Hollenback Road  
41 • Linda Dudley, 3081 Hollenback Road  
42 • Lt. Steve Arnold, with the Berlin Township Fire Department  
43 • Jason Mank, 4048 Topsail Drive  
44 • Joe Thomas 470 Old Worthington Road, Westerville, OH  
45 • Chris Mabry, 4194 Mainsail Drive

46 **AGENDA ITEM BZC 17-007 BERLIN MEADOWS**

47 Joe Thomas, with Metro Development, 470 Old. Worthington Road, asked for a tabling  
48 of the application at this time. He is planning to redesign the site and he discussed the  
49 issue with Trustee Ken O'Brien, who suggested that the Delaware County Regional

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50 Planning Commission review the revised site plan. He intends to file that to have it  
51 heard in January and he asked for the next available meeting in February.

52

53 Ms. Korleski said she was glad to hear that the application is going back before the  
54 DCRPC.

55

**RESOLUTION 2018.11.27 .#A: TABLE & CONTINUE BZC 17-007 TO 2/26/19 AT 7:00**  
56 **P.M.**

57 Ms. Korleski made a motion to table and continue BZC 17-007 2/26/19 at 7:00 p.m. Mr.  
58 Flaherty seconded the motion.

59 Vote: Korleski, yes; Flaherty, yes; Kaplan, yes; Valentine, yes; Bardash, yes.

60

61 Agenda Item: BZC 18-001 Villas at Old Harbor

62

63 *BZC 18-001, filed by John C. Wicks, requesting approval of a preliminary*  
64 *development plan to rezone 53.62 ± acres on South Old State Road and Hollenback*  
65 *Road from Farm Residential District (FR-1) to Transitional Planned Unit*  
66 *Development (TUPD), for a condominium development with 140 patio homes known*  
67 *as Villas at Old Harbor.*

68

69 Ms. Korleski said this application was tabled to a date and time certain of today. Ms.  
70 Rippel said the revisions were submitted on 11/16/18.

71

72 John Wicks, with Real Property Design and Development, the developer for the Villas at  
73 Old Harbor, presented the application and answered questions from the Commission

74

75 Mr. Wicks said this project includes 140 patio homes aimed at the active adult 55+  
76 group. It was tabled last month to address some of the concerns of the BZC and the  
77 neighbors from the last meeting. The plans were modified and resubmitted to Berlin  
78 Township.

79

80 Mr. Wicks said he would next discuss the comments that were made at the last meeting  
81 and how the comments were addressed.

82

83 Can the developer commit to having a certain number of side load garages? Mr. Wicks  
84 said he has committed to a minimum of 25% of the garages having side load or  
85 courtyard design.

86

87 Can it be ensured that this does not end up being a family community with 2-story  
88 homes with 4-5 bedrooms, because that brings students to the community? Mr. Wicks  
89 said the text indicates that the units will be ranch-style home with first-floor bedrooms  
90 and a maximum of 3 bedrooms. He said that should prevent concerns about families  
91 moving in. Also included was an opportunity for a builder or buyer to request a 4<sup>th</sup>  
92 bedroom but that would have to be requested via the township's board of zoning appeals.

93

94 Ms. Korleski asked whether the units would have 2-3 bedrooms. Mr. Wicks said that was  
95 correct. Ms. Korleski asked whether the upstairs would not be used. Mr. Wicks said  
96 there could be a second-story bedroom or loft area.

97

98 Can the units be rentals? Mr. Wicks said the TPUD portion 13.06 k). of the zoning  
99 resolution states that no more than 20% of the community may be rentals and he has  
100 committed to adhere to that.

101

102 There does not appear to be enough parking spaces throughout the interior. Mr. Wicks  
103 said he added 40% more parking spaces; there had originally been 58 parking spaces and

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104 95 have now been included in the community. That is in addition to each home having  
105 four parking spaces including two in the garage and two in the driveway.

106

107 Mr. Wicks said he had requested a divergence to move the sidewalk closer to the curb to  
108 ensure there is enough room behind the sidewalk to park cars. He said Mr. Johnson had  
109 been concerned about a 3' strip of grass that could be a maintenance issue. Mr. Wicks  
110 said he met with Mr. Loveless and the builder, and decided to make it a 5' wide sidewalk  
111 adjacent to the curb. The divergence request has been modified.

112

113 Mr. Wicks said these are private streets in a gated community and there are no "straight-  
114 aways" for high-speed travel, so he did not feel there is a safety issue.

115

116 Safety of pedestrians crossing South Old State Road. Mr. Wicks said several options  
117 were discussed including building a path along Hollenback Road that would extend to  
118 the four-way stop as well as a path up the east side of S. Old State Road. There had been  
119 concerns regarding whether he would have the right-of-way to do that. He spoke with  
120 the county engineer regarding the installation of RRFBS (Rectangular Rapid Flash  
121 Beacon) similar to those on Orange Road. Users push a button to activate flashing lights  
122 that can be seen for a mile. Mr. Wicks said the county approved of that and it has been  
123 included in the traffic impact study. It will not be located at the four-way stop.

124

125 Building separation. Mr. Wicks said there was much discussion regarding the 25'  
126 building separation referenced in the fire code. He met with Fire Lt. Arnold and Fire  
127 Chief Hall recently to discuss that, but nobody was certain where that actually came  
128 from. It was not included in the fire code and seems to be a holdover from the past.

129

130 Mr. Wicks said the fire department sent them a letter and he referred them to the Ohio  
131 Residential Fire Code, which in section 3.02 requires a minimum of 10' separation of  
132 structures in-between buildings unless fire walls are installed and less than 10' would be  
133 required. He said he received a letter from the fire department on 11/17/18 that  
134 acknowledges that the building separation can follow section 3.02 of the Ohio  
135 Residential Fire Code. However, Lt. Arnold was very clear with a follow-up email that  
136 he is not stating that is what the separation should be, but that from a fire safety  
137 perspective, 10' is the code.

138

139 Mr. Wicks said he has requested a divergence to reduce the 25' to 12' but he is now  
140 requesting that it be 15' from foundation to foundation because he understands the  
141 community would like to have as much separation as possible. There will be a  
142 maximum of 1' of overhang or bump-out of any home on the side.

143

144 TPUD may be an improper zoning category. Mr. Wicks said this was brought up by  
145 BZC alternate member Ray Armstrong. Mr. Wicks said he reviewed the code again and  
146 discussed it with the builder and others, he feels it is the proper designation for the  
147 development, which is where a traditional development may not be appropriate. The  
148 TPUD allows the clustering of homes here and they are able to be pulled back off of S.  
149 Old State Road, thus allowing the traveling public to not visually notice that the  
150 development has been built.

151

152 Mr. Wicks said that 3 of the 5 parcels are currently being used for commercial use. He  
153 pointed out the boat and RV facility storage on the subject property, there is one on the  
154 east side, and just north of there is the Germin property which was recently used as a  
155 landscaping company. Considering that as well as the large lot residential to the west  
156 and to the south, he cannot think of a better place than this for a TPUD to be proposed.

157

158 Concerns about vinyl siding. Mr. Wicks said vinyl siding was removed from the plan.

159

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160 Age-targeting vs. age restricting. Mr. Wicks said the builders maintain that it is  
161 important that it is not age-restricted because there are additional restrictions that are  
162 placed on those. He has tried to alleviate the concerns about this development becoming  
163 something different than that by limiting the design of the units.

164  
165 Boat storage and clubhouse area within the development not being an approved use  
166 within the TPUD development: Mr. Wicks said he re-read the code and feels very  
167 strongly that it is a permissible use and not a divergence so he did not request a  
168 divergence. Section 13.02 d). of the zoning resolution indicates that if there are non-  
169 residential uses within a TPUD district that are for recreational uses that they are  
170 approved. He feels that the community building with a pool, pickle ball courts and a  
171 storage facility for boats and RVs clearly falls within the recreational nature of that and  
172 he did not request a divergence.

173  
174 Concerns from residents that the gated access to the east on Anchor Drive may be  
175 overused by the residents of this development. Mr. Wicks said he discussed that with the  
176 builder and the fire department and he does not see any reason why that cannot be fire  
177 access only. The plans have been modified so that is emergency access only to the east.  
178 The fancy gate has been eliminated as well.

179  
180 Concerns about screening from Mr. Hindes, who lives to the west of the project. Mr.  
181 Wicks said he has more than doubled the number of trees originally discussed and he  
182 also discussed with Mr. Hindes planting trees on his property as well and he seemed  
183 receptive to that. Mr. Wicks said he is willing to work with all surrounding neighbors to  
184 ensure that the proposed landscaping plan meets their expectations.

185  
186 Concerns from Ms. Pollack about residents from the development encroaching onto her  
187 property because they thought it was part of the open space. Mr. Wicks said he has  
188 committed that he would be willing to install a fence in that area if she desires that.

189  
190 Commission Consideration

191  
192 Mr. Kaplan had questions about the lots that are not being built on. Mr. Wicks pointed  
193 out the locations of those properties. Each property has one home on it and he is willing  
194 to restrict those to no more than one home, including if the property owner would like to  
195 raze the home and build a new home.

196  
197 Mr. Kaplan said Mr. Wicks had stated that in order to facilitate safe access, he was going  
198 to request an easement. She asked why he did not ask for an easement on the other side.  
199 Mr. Wicks said the lot is being used and a path is shown there, but the issue is getting  
200 people from the west side to the east side and vice-versa. He plans to add the flashing  
201 beacons instead of the path.

202  
203 Mr. Kaplan said there was originally discussions regarding walking to the marina and the  
204 dog walking park and she asked whether that is not part of the plan any longer. Mr.  
205 Wicks said that was removed from the marketing materials because much of that was out  
206 of his control, as pointed out by Mr. Kaplan and others.

207  
208 Mr. Valentine said Mr. Wicks appeared before the BZC first with a development only on  
209 the east side of the road and he thought it was a reasonable idea. But then he added the  
210 area on the west and the number of units went from 50 to 140. Mr. Valentine said the 50  
211 units on the east side was fine with him, but given the plan to expand S. Old State Road  
212 to five lanes, all the traffic congestion, and the amenities being located on the west side,  
213 140 does not seem to be reasonable. He cannot resolve himself to that.

214  
215 Mr. Flaherty said that traffic cannot be a consideration of zoning. Mr. Valentine said at  
216 that last meeting Mr. Wicks had stated this could be a golf cart community and he was

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217 worried about golf carts crossing S. Old State Road to get to the amenities. Mr. Wicks  
218 said most people in this age demographic will drive across the road in a car. He said this  
219 is 5 parcels on their own that separately, would not be developed into anything and is  
220 perfect for the TPUD. This provides a nook on the south side of Berlin Township for this  
221 use.

222

223 Mr. Wicks said he was not sure how to address the concern about people on the east  
224 going to the west other than having two different builders and two developments and two  
225 separate clubhouses.

226

227 Mr. Valentine asked what the price point for these units was. Mr. Wicks said he  
228 originally expected high \$200,000's to the mid \$300,000's but with Romanelli &  
229 Hughes being involved, they do not think it would be less than \$400,000 if they build it.  
230 Mr. Valentine asked what the condominium fee would be. Mr. Wicks said these are  
231 standalone units and the maintenance will just be on the site instead of the siding, roofs,  
232 etc. The fees will probably be in the mid-\$100's per month and the builder would  
233 control that.

234

235 Ms. Korleski said the four separate properties are still FR-1 and she asked whether they  
236 would remain FR-1. Mr. Wicks said yes and that he is not talking about rezoning them  
237 from FR-1. Ms. Korleski asked whether he would restrict those properties to one unit  
238 each. Mr. Wicks said he would deed restrict them.

239

240 Ms. Korleski asked about the sidewalks being adjacent to the curb. Mr. Wicks said the  
241 zoning resolution states that they need to be 5' off the curb and he had requested a  
242 divergence so they are 3' of the curb to provide more room between the garages and the  
243 sidewalk. Ms. Korleski said it was agreed that there would be 3' of grass if 5' wide  
244 sidewalks were built.

245

246 Mr. Wicks said he met with Mr. Loveless and the builder to discuss Mr. Johnson's  
247 concern that the 3' wide green space may be difficult to maintain and also unusable  
248 space. As a result, the sidewalk was moved to the street side, which also provides larger  
249 more usable front yards. Sidewalks are only on one side of the street.

250

251 Ms. Korleski agreed that the boat storage and clubhouse would be considered  
252 recreational uses and would comply with the TPUD district. Ms. Korleski asked whether  
253 there would be stone facing on the headwalls of the inlets and outlets. Mr. Wicks said  
254 there would be. Ms. Korleski said that will be a condition.

255

256 Mr. Flaherty asked whether the bike path would be built on the southeast corner along  
257 Hollenback Road. Mr. Wicks said it is shown on the plan because he had not received a  
258 resolution from the county engineer. Mr. Flaherty said the applicant is requesting to  
259 eliminate that. Mr. Wicks said he is proposing that but he would commit to at least  
260 building it on his property because he owns it and he could build it all the way to the  
261 intersection outside of the county-right-of-way.

262

263 Ms. Korleski said it is almost not even worth having a path over there because there are  
264 internal walkways. Mr. Flaherty said the path is shown on the map and he wanted  
265 clarification. Mr. Wicks said his request would be to eliminate the path because it does  
266 not go anywhere and he did not think it would be used by anybody. Ms. Korleski said it  
267 extends west but the developer does not have access to that development so it would  
268 seem to be a safety hazard. Mr. Flaherty added that it directs people down to the  
269 intersection they are trying to avoid.

270

271 Mr. Wicks said the Evans Farm development does not include specific bike path lane but  
272 the text does suggest that there will be pedestrian bikeways along all of the main

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273 thoroughfares. Based upon that he assumed that on the south side of the road a path  
274 would be built at some point.

275

276 Mr. Flaherty said keeping the crossing at Hollenback to access what will be the future  
277 paths at Evans Farm makes sense, and that would be the southbound lane at the entrance.  
278 The rest of the paths look fine and he asked whether one on the east would be eliminated  
279 because it is leading to a property. Mr. Wicks said that is correct. Mr. Flaherty and Mr.  
280 Wicks reviewed the paths that would be eliminated.

281

282 Mr. Flaherty said he noticed a change in text from 4 to 3 gates with the 4<sup>th</sup> being  
283 emergency access only. He asked whether it would be different than the other 3 gates.  
284 Mr. Wicks said it would meet the Ohio Fire Code requirements. He was unsure of its  
285 appearances at this time.

286

287 Lt. Steve Arnold said he would work with Mr. Wicks to ensure it meets their  
288 requirements. Mr. Wicks said the text indicates that it would meet the requirements of  
289 the fire department. Mr. Flaherty asked whether it would be an arm bar like at the state  
290 park at Johnnycake Corner. Mr. Wicks said they would be decorative gates and not just  
291 an arm bar.

292

293 Mr. Flaherty said he likes the idea of it being a gated community. Mr. Wicks said he  
294 would commit to the emergency access gate having a decorative finish.

295

296 Mr. Flaherty asked whether the sidewalks would be rectangular around the curbs. Mr.  
297 Wicks said they would be curb and gutter like a public street and it would be a full s-  
298 style curb. Mr. Flaherty asked whether there was any change from the part that is along  
299 the sidewalk to where the driveway is. Mr. Wicks said it would be the same and that the  
300 sidewalk would ramp down to where the driveway is and then ramp back up and still  
301 meet ADA requirements.

302

303 Mr. Flaherty was concerned about aesthetics. Mr. Wicks said it could be poured as an  
304 integral curb and block so there is not even a break behind the curb and it looks flush.

305

306 Mr. Bardash asked whether the sidewalk was 5' wide. Mr. Wicks said it would be and it  
307 would allow two wheelchairs to pass each other. Mr. Flaherty asked whether the internal  
308 paths would be 6' wide. Mr. Wicks said that was correct and that there had been  
309 discussions regarding them being 8' wide but that seemed to be overkill for this  
310 development.

311

312 Mr. Flaherty said Mr. Wicks has stated the homes would be "ranch-style" but with a 3<sup>rd</sup>  
313 bedroom upstairs, and he asked whether that would make it a second story. Mr. Wicks  
314 said it was called a story and a half. The definition of a ranch home from the builder  
315 community is that it is all first-floor living; everything needed for the primary residence  
316 is on the first floor. Any second floor would be for guest use or it could be a vaulted  
317 ceiling; many of these homes have 10-12' ceilings.

318

319 Mr. Bardash asked whether it was correct that the emergency access would not be a  
320 feature so it would not look like an entranceway into the pond and it would just be a  
321 gate. Mr. Wicks said that was correct. Mr. Bardash asked what would stop somebody  
322 from going through there. Mr. Wicks said it will only be accessible to emergency  
323 personnel who have the code. Mr. Bardash asked whether the residents will not have  
324 access to the gate. Mr. Wicks said that was correct.

325

326 Mr. Bardash asked whether he was planning to put fountains in the ponds. Mr. Wicks  
327 said "yes" he was. Mr. Bardash asked whether it was included in the text. Ms. Korleski  
328 said she put it in as a condition tonight.

329

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330 Mr. Bardash was glad that the pathway was gone because that eliminates the South Old  
331 State Road/Hollenback Road issue.

332

333

Public Comment

334

335 Dave Brobeck said regarding the crossing, he asked whether the applicant had  
336 considered building a tunnel like that at Glen Ross for safety. Mr. Wicks said that is  
337 cost-prohibitive. Mr. Brobeck said he has seen the tunnels in Hilliard and Dublin. Mr.  
338 Wicks said this would be for access by residents only, not the community at large. Mr.  
339 Brobeck agreed that the flashing lights on Orange Road do get people's attention.

340

341 Mr. Brobeck asked when South Old State Road is planned to be expanded. Mr. Wicks  
342 said it has been on the county's thoroughfare plan for years and there is no date as to  
343 when that will occur.

344

345 Mr. Flaherty said the last time he discussed the thoroughfare plan with the county, it was  
346 planned to be five lanes from Orange Road north to Lewis Center Road, then 3 lanes  
347 from Lewis Center Road to US 36/SR 37. He asked whether that was still accurate. Lt.  
348 Arnold said he is not certain. Mr. Flaherty said it is a county-owned road and eventually  
349 S. Old State Road will be 45 mph in this area.

350

351 Mr. Flaherty requested that Mr. Wicks attempt to get flashing traffic at S. Old State and  
352 Hollenback Roads and he has petitioned the county commissioners several times. The  
353 cost is \$10-16,000 investment by the county and he feels that needs to happen as part of  
354 this development. Mr. Flaherty said there have been bad accidents at that intersection  
355 and there are a lot of recreational vehicles in that area. Mr. Wicks said he would be  
356 happy to put that effort forward.

357

358 Marti Davis said she did not used to like roundabouts, but she likes them now. They  
359 break up the thoroughfare look and are more aesthetically pleasing than a major highway  
360 with traffic lights.

361

362 Jim Dudley asked who the builder was. Mr. Wicks said he did not have a contract with a  
363 builder yet but he does have a lot of interest from Romanelli and Hughes and he is  
364 working with them now. Mr. Wicks said the land is in contract pending purchase and  
365 they would be the developer and the builder if they are selected.

366

367 Mr. Dudley asked what the size of the units would be. Mr. Wicks said the zoning text  
368 shows a minimum of 1400 Mr. Flaherty for two-bedroom and 1600 Mr. Flaherty  
369 minimum for a three-bedroom. Most of the units will be larger than that. Mr. Dudley  
370 asked about the materials and HVAC for the inside of the home. Mr. Wicks said those  
371 are building code details or for the final development plan.

372

373 Seth Wyatt asked how a home with two bedrooms and 1400 SF could sell for \$400,000.  
374 Mr. Wicks said the builder was emphatic about it. Also, the homes will be larger than  
375 that. Mr. Wyatt asked whether he had that in writing. Mr. Wicks said he did not.

376

377 Mr. Wyatt said regarding the addition of the properties on the west side, why did the  
378 developer not consider larger homes that are more representative of the types of homes  
379 that have been built locally over the past several years in the area, instead of having 1400  
380 SF homes backing up to a \$600,000 house.

381

382 Mr. Wicks said that was discussed at the last meeting; he is proposing an alternative to  
383 those kinds of developments because so many of them have been popping up, including  
384 Evans Farm and the additional lots in Old Harbor Estates and Berlin Manor. There are  
385 currently over 1000 single-family lots that are either on the market now or will be soon.

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386 The subject product appeals to a different demographic, which is the empty-nester group  
387 that is looking to downsize from their 4,000 SF home into something smaller.

388

389 Chris Mabry asked what the plan is for the separate parcels that are not part of the  
390 development. He asked whether they would be become rentals. Mr. Wicks said they  
391 would not; two of them would remain under the ownership of the larger property. Lots  
392 splits would be done and new deeds would be created with restrictions. One of the lots  
393 is already on its own parcel.

394

395 Mr. Mabry asked what Mr. Wick's plans were for the other two properties. Mr. Wicks  
396 said he would leave the houses on the properties and sell the properties. Mr. Mabry  
397 asked whether that was part of this proposal. Mr. Wicks said it was not. Mr. Mabry said  
398 it was purely speculative as to what may come of those properties. Mr. Wicks said he  
399 can promise that there will never be more than one house on any of those lots. They  
400 could be rentals although he did not see how that would impact anybody else. Two of  
401 the homes are currently rentals.

402

403 Mr. Mabry said he does not feel like this development reflects the true goals of what the  
404 zoning commission's vision is for the future. Per the results of the community survey,  
405 there is probably a desire to keep Berlin Township more of a rural and residential area  
406 rather than having a higher density community. These will be 1400-1600 SF patio  
407 homes with 20% rentals fits the bill of an apartment community. The BZC has had  
408 resolutions against similar uses in the past, he said.

409

410 Mr. Mabry said if this is desired to be a 55+ community, it should be placed in the age-  
411 restricted zoning category. That is in the best interests of the community and the  
412 residents.

413

414 Mr. Mabry said he is a chiropractor and he sees many people each day over 55 and their  
415 mobility is worsening each day. The concerns expressed about people ages 55 and over  
416 crossing that road is a legitimate concern especially as the traffic increases.

417

418 Mr. Mabry said being able to buy a \$250,000-300,000, 1400 SF place is more like an  
419 apartment in his opinion, and he hopes that the BZC agrees.

420

421 Joe Janszen said he has lived in Delaware County for 32 years and has sold real estate  
422 here for 32 years. He thinks the price point will end up rivaling the homes across the  
423 street. He has sold a lot of Romanelli & Hughes units as well as Epcon units. The  
424 starting size will probably be 2000-2400 SF and the price point will probably start at  
425 \$350,000 and build up to over \$500,000, based upon his years of selling these types of  
426 products.

427

428 An unidentified man asked Mr. Janszen if, as a Realtor, he has a financial interest in this  
429 project getting approved. Mr. Janszen said he has a financial interest in all of southern  
430 Delaware County. Ms. Korleski interrupted and instructed the audience to not address  
431 comments to each other. They need to raise their hand and address the BZC.

432

433 Linda Dudley asked whether there is a different zoning that would encompass that  
434 square footage requirement instead of the 1400-1600 SF. Ms. Korleski said that would  
435 be the minimum. Mr. Bardash said that is common in most subdivisions. Mr. Wicks  
436 said the zoning resolution requires a minimum of 900 SF for 2 bedrooms and 1000 for 3  
437 bedrooms so he increased it considerably.

438

439 Jason Mank asked whether it would be possible for the majority of the homes to actually  
440 be of the larger size with the ranch design, given the size of the parcel and other  
441 limitations. Mr. Wicks said it is very likely they will be higher than that and he used  
442 some Romanelli and Hughes footprint on the plan. They are 40' wide, 44' wide, and 50'



**BERLIN TOWNSHIP ZONING COMMISSION (BZC)**

*OF DELAWARE COUNTY, OHIO*

**REGULAR MEETING**

**TUESDAY, NOVEMBER 27, 2018 7:00 PM**

443 wide and are between 50-70' deep. The smallest footprint shown is 2200 SF on the first  
444 floor.

445

446 Mr. Mabry appreciated that the developer changed the 4<sup>th</sup> entrance to be for emergency  
447 access only. He said it was not traffic through his community that he was concerned  
448 about. He has the largest lot on the northeast corner of Old Harbor Estates and he was  
449 more concerned about cars parking on his road. He believes that issue has been  
450 addressed appropriately in his opinion with the addition of the parking spaces and also  
451 with the 4<sup>th</sup> gate being changed to an emergency gate.

452

453 Mr. Mabry asked whether that gate would deter golf carts from going through. Mr.  
454 Flaherty said it would restrict all vehicular traffic on the roadway and will only be  
455 accessible for emergency traffic. Mr. Mabry said Mr. Wicks emailed him yesterday to  
456 state there would be more trees and today he said more trees would be planted on the  
457 west side of the property per Mr. Hindes request and he asked whether there would be  
458 more trees on his side as well.

459

460 Mr. Wicks said the trees were nearly doubled on a property line because what appeared  
461 to be a dense tree row actually consists of some trees that are dying.

462

463 Mr. Mabry said his biggest concern is why this cannot be zoned a 55+ community. Mr.  
464 Flaherty said that is not a zoning issue but instead a state law where there may not be  
465 restrictions based on age, race, gender, religion etc. To go through that process with the  
466 state is a completely different process.

467

468 Mr. Mabry said it is called PARRD and is in the Berlin Township Zoning. Mr. Wicks  
469 said that is the Planned Age Restricted Residential District. He looked at that and  
470 discussed it with the builders. It is intended to afford people ages 55+ the benefit of  
471 independent living, assisted living and skilled care at one integrated commercial use.  
472 That is completely different than the development being proposed. Mr. Flaherty said  
473 that would be like a nursing home. To restrict a neighborhood would involve a different  
474 process that would involve the state equal opportunity/non-discriminatory laws.

475

476 Mr. Mabry said he was concerned that approving this community would set a precedent  
477 for cluster communities for the rest of Berlin Township. Mr. Flaherty said that is  
478 controlled by the township's Comprehensive Land Use Plan. A property owner has the  
479 right to petition to rezone property in any given way, but the township has the discretion  
480 of determining the type of zoning that will apply to different areas.

481

482 Mr. Flaherty noted that the residents have expressed a demand for empty nester style  
483 community over the past 15-20 years; people grow up here, raise their family here but  
484 then have nowhere to move. The township has asked the builders to bring plans that  
485 resemble empty-nest style communities in certain areas, such as between the huge estate  
486 lots R-1 and R-2 developments and the FR-1 developments. This is the first such  
487 development that has been requested.

488

489 Mr. Flaherty said that although Berlin Township is attempting to maintain the rural feel  
490 of the area, the fact is that every field in Berlin Township will eventually get built. Ohio  
491 is a right-to-develop state which means development cannot be restricted but it can  
492 control it including density, lot size and growth to a degree. The township asks to bring  
493 community, not just rooftops.

494

495 Karen Vourvopolous asked how far off the road the gates will be. She is concerned  
496 about high speed traffic being blocked while residents are attempting to open the gates.  
497 Mr. Wicks said the concept is to provide at least enough room for two cars to pull off the  
498 road behind the gate while the gate opens and also provide a place for them to turn

**BERLIN TOWNSHIP ZONING COMMISSION (BZC)**

*OF DELAWARE COUNTY, OHIO*

**REGULAR MEETING**

**TUESDAY, NOVEMBER 27, 2018 7:00 PM**

499 around if they are not entering the community. That will be done via the final design  
500 process.

501

502 Ms. Vourvopolous said she owns the Anchors Aweigh Boat and RV storage facility. In  
503 terms of gates and fencing along the west side of the property, she is concerned about the  
504 valuable personal property of her customers. She is concerned about kids and others  
505 wanting to cross over to her property. She asked if she could have fencing installed along  
506 those lines to help deter that.

507

508 Mr. Wicks said he is willing to install a fence where it makes sense. He noted there is a  
509 nice tree row that he is planning to leave and that is a good deterrent. If somebody wants  
510 to get across the property line, they will. The design of this site does not invite people to  
511 the back part of the site.

512

513 Ms. Vourvopolous said she has had issues with people coming into the site and causing  
514 problems from the development on the other side. She was concerned about liability. Mr.  
515 Wicks said it seems she is currently having an issue. He said he is not planning to install  
516 fences all the way around the property because it would feel like a compound. Natural  
517 buffers will be kept in place.

518

519 Lt. Steve Arnold said Berlin Township does not have its own fire code and they follow  
520 the Ohio Fire Code. He noted that he met with Mr. Wicks. Regarding the housing  
521 separation, other than what was mentioned earlier, it is a zoning issue. The zoning code  
522 states 25' and that is a zoning issue; he said the fire department is not going to supersede  
523 that requirement. He said regarding the gate access, they suggested a Knox Box system  
524 to allow emergency access via a gate at the 4<sup>th</sup> access point.

525

526 Lt. Arnold asked whether there is any on-street parking other than the parking spaces.  
527 Mr. Wicks said "no" and that parking would be restricted on both sides of the road. Lt.  
528 Arnold asked how that would be enforced. Mr. Wicks said that would fall under the  
529 obligation of the condominium association. He feels plenty of parking spaces have been  
530 provided, but in the event of continuous violations, the condominium association can  
531 take action against them.

532

533 Lt. Arnold asked whether the sheriff department would be able to write tickets for  
534 violations of the parking rules. Mr. Wicks was not sure and said he would get an answer  
535 for Lt. Arnold this week.

536

537 Lt. Arnold said there are two dead-ends on the west side heading towards S. Old State  
538 Road that are over 150' long. Per code, a cul-de-sac or hammerhead turnaround will be  
539 required. Mr. Wicks said the code specifically states that fire access road that is greater  
540 than 150' in length must have a turnaround. A fire access road is defined as a fire-only  
541 access road. These roads are actually built to public standards and are wide enough to be  
542 public roads. The 150' standard does not apply to public or private streets built to public  
543 standards and he would be happy to discuss the issue with the fire department.

544

545 Mr. Wicks said he is happy to commit that if the fire department does not agree with his  
546 findings of that, that he will build a turnaround in the development. Lt. Arnold said  
547 backing of fire trucks is very difficult and he would strongly recommend the two  
548 hammerhead turnarounds. Mr. Wicks said he did not want to create problems and he  
549 wants to ensure the situation is safe; he will work with the fire department to ensure they  
550 do not have that issue. However, it is not a requirement of the fire code to put a  
551 hammerhead on regular road that is greater than 150' long. He said that only applies to  
552 fire access roads, which are typically only 10' wide, not roads that are built to public  
553 standards.

554

**BERLIN TOWNSHIP ZONING COMMISSION (BZC)**

*OF DELAWARE COUNTY, OHIO*

**REGULAR MEETING**

**TUESDAY, NOVEMBER 27, 2018 7:00 PM**

555 Mr. Valentine said regarding no on-street parking, there is parking at the community  
556 center/pool area. Mr. Wicks said they are designated parking spaces. Mr. Valentine said  
557 they look like part of the road. Mr. Wicks said they will be striped parking spaces.

558

559 Mr. Wicks said he will meet with the fire department to find a solution that works for  
560 them, possibly including shortening the road. Ms. Korleski was concerned that there  
561 would be no place to turn around. Mr. Wicks said they would back up. Ms. Korleski  
562 said that would be 5-6 houses length of backing. Mr. Wicks said he would work it out to  
563 the satisfaction of the fire department.

564

565 Mr. Bardash asked whether he would eliminate a couple of the houses. Mr. Wicks said  
566 he would if he had too, or would re-position them.

567

568 Ms. Korleski said a condition would be to modify dead-ends to accommodate the fire  
569 department.

570

571 Mr. Mank said the PARRD designation in the zoning resolution provides a provision for  
572 assisted or independent living but states that it has to describe what percentage of each is  
573 provided for. He felt that the subject development is an independent living community  
574 and this should be zoned as a PARRD. Ms. Korleski said there are many restrictions for  
575 55+ communities. TPUD is applicable here and the township does not have anything  
576 like this for condos, apartments and the like. This district was created to provide for that.

577

578 April Bagley said she is having a hard time with this being targeted to a certain age but  
579 there is no requirement for that. At the last meeting when Mr. Wicks was asked about  
580 that, he stated that there would be no age requirements. She asked for research regarding  
581 the millennials and who is buying those homes. Her generation does not want big yards;  
582 they want condos, community centers, and large homes. She thought this would be  
583 perfect for starter families. She did not feel this would be a transitional development.

584

585 Ms. Bagley said a typical ranch does not have a second story. These homes could have 4  
586 bedrooms including the loft. Mr. Flaherty said three bedrooms are permitted at the most.  
587 Mr. Wicks said the maximum number of bedrooms will be 3, anywhere in the house.

588

589 Ms. Bagley said a loft could be turned into a bedroom.

590

591 Ms. Bagley said there is no guarantee that this will be a 55+ gated community  
592 transitional home. Mr. Flaherty said that is not what it is being marketed as. Age is not  
593 being restricted. The developer is stating that this type of home is typically marketed  
594 towards an empty nester. There is no guarantee that families with children will not move  
595 here; however, that is not something that zoning controls. Ms. Bagley said the  
596 applicant's presentation indicated that it was marketed as a 55+ community. Mr.  
597 Flaherty said that is their targeting campaign.

598

599 Mr. Valentine said there will be no yards for children and the like so most families who  
600 want to spend that kind of money wants enough property to have areas for their children  
601 to play. Ms. Bagley said she disagrees but she does not have any children.

602

603 Ms. Korleski asked where millennials with children would purchase a home. Ms.  
604 Bagley said she would look at Westerville's 55+ development on State Street. She  
605 would like a small starter home with a small patio and no yard that would include a pool  
606 and other recreational facilities. Ms. Korleski asked about the children. Ms. Bagley said  
607 there would be other families in the development as well and they would play in the  
608 street with the other children or at the community center.

609

610 Mr. Mank said his children will still be in high school when he is 55.

**BERLIN TOWNSHIP ZONING COMMISSION (BZC)**

*OF DELAWARE COUNTY, OHIO*

**REGULAR MEETING**

**TUESDAY, NOVEMBER 27, 2018 7:00 PM**

611 Mr. Flaherty asked what the concern is and whether it is about families living at the  
612 development. Ms. Bagley said she was concerned about the additional density and the  
613 security of the area. She moved out of the more dense areas into this area. She said she  
614 lives alone and has no children. There is a difference between a 55+ community and a  
615 family-style community. Mr. Flaherty said there are many family-style communities in  
616 the area.

617  
618 Ms. Bagley said she already has an issue with the housing development across the street  
619 that has a playground. She said kids are always in her yard or crossing the street. People  
620 will be in the wooded area back there doing whatever they are doing.

621  
622 Mr. Wicks pointed out her house on the map and said the development is several  
623 hundred feet west of her. Ms. Bagley said the back area is her area along with Acres  
624 Aweigh. Mr. Wicks said that was owned by Anchors Away.

625  
626 Julena Tincher said a new high school was just built and there are new elementary  
627 buildings in the area. There are plenty of other neighborhoods for families in Berlin  
628 Township. She believes it is a good use of property.

629  
630 Katrina Carson was concerned about the sidewalks being right up against the curb. She  
631 was concerned about seniors being able to differentiate the sidewalk from the streets  
632 without any separation. Mr. Wicks said the curb will be 6" high and 4" high off the  
633 pavement. Ms. Carson was concerned about curb drivers at night. Mr. Flaherty said he  
634 was also concerned about the sidewalks being up against the road. Mr. Wicks said that  
635 was a good question; he was not sure specifically how he would combat that but it has  
636 been done successfully in many other communities.

637  
638 Ms. Carson said berming can help separate the sidewalk from the street. Mr. Wicks said  
639 the intent of the sidewalk is to get the residents to and from their neighbors' homes. He  
640 said that would be a detail for the final development plan.

641  
642 Mr. Flaherty asked what kind of mailboxes there would be. Mr. Wicks said there would  
643 be "gang" mailboxes. Mr. Flaherty asked about fire hydrants and asked whether they  
644 would be on the opposite side of the sidewalks because they would not be built into the  
645 sidewalk. Mr. Wicks said that was correct and he would address that design detail  
646 during the final development plan. Mr. Flaherty was concerned about cars driving up on  
647 the curb. Also it would look like a "concrete jungle". Mr. Wicks said it would be placed  
648 either 0' or 3' off the road pending final development plan approval.

649  
650 Ms. Davis said asked whether two cars could still fit in the driveway if the sidewalk was  
651 moved into the property more. Mr. Wicks said the houses would have to move back  
652 further a bit. The plan is to always have enough room between the garage and sidewalk  
653 to have a car and not overhang the sidewalk.

654  
655 Mr. Wicks said he could modify his divergence request to indicate that the sidewalk be  
656 from 0-3' off the back curb pending final approval. Ms. Korleski and Mr. Flaherty  
657 agreed.

658  
659 Ms. Carson said there is boat storage on the property and she asked how many existing  
660 stalls there are currently and whether he plans to add more stalls.

661  
662 Mr. Wicks said he was told there are 40 stalls but that may not be correct. He is not  
663 planning to expand the building but he has requested in the zoning application to allow  
664 for up to 20 units behind the building, for a maximum of 60 units.

665  
666 Matt Stanley said the inside storage holds 30 boats. Mr. Wicks said that would be a  
667 maximum of 50, and not more than 20 outside of the building.

**BERLIN TOWNSHIP ZONING COMMISSION (BZC)**

*OF DELAWARE COUNTY, OHIO*

**REGULAR MEETING**

**TUESDAY, NOVEMBER 27, 2018 7:00 PM**

668

669 Ms. Korleski asked whether Mr. Wicks would like to request a vote at this time.

670

671 Mr. Wicks said the crossing of the streets and concerns about safety are of great  
672 importance to him as well. He is hoping that flashing lights at the stop signs at the four  
673 corners would assist in BZC members being more comfortable with the proposal.

674

675 Mr. Flaherty asked whether there would be a striped crosswalk at the southern entrance  
676 across South Old State Road that would correspond with the lights or whether it would  
677 just be a flashing light system. Mr. Wicks said there would be stripes to ensure the  
678 pedestrians stayed within that area.

679

680 Ms. Vourvopolous asked whether the development will allow for the expansion of S. Old  
681 State Road in the future. Mr. Wicks said one of the purposes of the county thoroughfare  
682 plan is to determine how much right-of-way is needed in the future. In this case, 100'  
683 wide is provided and that is enough for a 5-lane roadway. Any paths, gates, etc. that  
684 would be a part of this would need to be built outside of that right-of-way and all  
685 entrances and access points in consideration of the roadway being expanded.

686

687 Mr. Flaherty asked whether there would be a 3-lane turn or a right-in/right-out. Mr.  
688 Wicks said the traffic impact study will dictate a continuous middle lane such as the  
689 entrance at Old Harbor Estates so there is a dedicated left turn lane for north bound  
690 traffic and a dedicated left turn lane for south bound traffic. Mr. Flaherty asked whether  
691 it was 3 lanes as part of this plan. Mr. Wicks said that was correct.

692

693 Lt. Arnold said he does the majority of the fire safety inspections in the township. As  
694 part of that, each year he checks the boat storage facilities as well as the clubhouse area,  
695 so if there were any safety issues found after this was built, that would be addressed.

696

697 Ms. Korleski reviewed the divergences:

698

- 1) As a cluster home condominium development, there are no physical lot lines  
699 between homes. We request that the minimum separation between structure  
700 foundations be 15' with overhangs and bump-outs to be no more than 12" in  
701 order to maximize the amount of usable common area and open space for the  
702 residents of the community. This distance is larger than the minimum spacing of  
703 10' required by Ohio Residential Fire Code for safety. Appropriate wall rating  
704 designs will be implemented to meet all Ohio Residential Fire Code  
705 requirements.

706

- 2) With private internal streets in this cluster development, we request permission  
707 for sidewalks to be between 0-3' behind the curb.

708

709 Mr. Flaherty asked whether the conditions for the deletion of the path need to be  
710 outlined. Mr. Valentine said that this is a preliminary plan and that would be provided in  
711 the final development plan. Mr. Flaherty wanted to ensure that that was not forgotten.

711

712 Ms. Korleski reviewed the conditions as follows:

713

- 1) The face of the inlets and outlets of the ponds will be faced with stone, and have  
714 fountains.
- 2) The dead-ends will be modified to accommodate the fire department.
- 715 3) Install flashing stop signs at the intersection of Hollenback and S. Old State  
716 Roads.  
717

718

719 Mr. Wicks said it will be up to the county engineer to approve the design of the  
720 lights. He asked that the divergence indicate that it would be pending county  
721 engineer approval.

**BERLIN TOWNSHIP ZONING COMMISSION (BZC)**

*OF DELAWARE COUNTY, OHIO*

**REGULAR MEETING**

**TUESDAY, NOVEMBER 27, 2018 7:00 PM**

722

723

4) There will be a maximum of 50 stalls for boat and RV storage.

724

**RESOLUTION 2018.11.27 .#B APPROVE BZC 18-001**

725

Mr. Flaherty made a motion to approve BZC 18-001, a request to approve a preliminary development plan for the stated parcels to be rezoned from FR-1 to TPUD, with the stated conditions and divergences. The application will be forwarded to the trustees for further consideration. Ms. Korleski seconded the motion.

726

727

728

729

730

Vote: Flaherty, yes; Korleski, yes; Bardash, yes; Valentine, no; Kaplan, no.

731

Motion carried.

732

733

Mr. Valentine said he liked the east and the west, but together it presented a different kind of community and is too much in that area.

734

735

736

Mr. Kaplan said she has always felt that the density was high, although she realizes that falls within the parameters of the TPUD. She did not see the transitional nature of it, and she has concerns about how it fits in with the surrounding environments.

737

738

739

740

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

741

**AGENDA ITEM: OTHER BUSINESS**

742

Ms. Rippel noted that the township holiday lunch will be held on Friday and the cost is \$10.

743

744

745

Ms. Korleski noted that at a recent BZC meeting, a sign company representative was present and he offered to help write language regarding digital signs. She asked Mr. Loveless to get ahold of him. Mr. Loveless agreed to do so, and he added that he drove up and down US 23 recently to view all of the signage. He said the representative had mentioned 35 second intervals, and at that level, the flashing will not occur and that will help regulate it. He will contact the representative. Ms. Knapp asked whether there would be a charge for that. The BZC did not think that he would.

746

747

748

749

750

751

752

753

Mr. Loveless said today's signs are more like television screens. He noted that the signs could be limited to only major thoroughfares. There was a brief discussion.

754

755

756

Ms. Korleski said the next meeting will be on 12/11/18 and an extension request by All Life will be heard.

757

758

759

There was no further business to come before the Commission. Motion to adjourn.

760

Meeting adjourned.

761

762

763

764

\_\_\_\_\_  
Toni Korleski, Chairperson

765

766

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\_\_\_\_\_  
Jerry Valentine, Vice-Chairperson

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\_\_\_\_\_  
Darcy Kaplan, member

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**BERLIN TOWNSHIP ZONING COMMISSION (BZC)**

*OF DELAWARE COUNTY, OHIO*

**REGULAR MEETING**

**TUESDAY, NOVEMBER 27, 2018 7:00 PM**

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\_\_\_\_\_  
Mike Bardash, member

\_\_\_\_\_  
Martin Johnson, member

\_\_\_\_\_  
Steve Flaherty, 1<sup>st</sup> alternate member

\_\_\_\_\_  
Ray Armstrong, 2<sup>nd</sup> alternate member

Attest: \_\_\_\_\_  
Lisa F. Knapp, Berlin Township Zoning Clerk