

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

REGULAR MEETING

TUESDAY, MARCH 12, 2019 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 Mr. Flaherty led meeting attendees in the pledge of allegiance.

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

12
13 Also present: Zoning Inspector David Loveless, Zoning Clerk Lisa Knapp, Zoning
14 Secretary Cathy Rippel, BZC member Darcy Kaplan, 2nd BZC alternate Ray Armstrong.

15
16 Ms. Korleski read the adopted BZC policy statement as printed in the agenda.

17
18 Ms. Korleski said she is glad to see everybody here and that shows that they have a real
19 interest in what is happening in the township.

20 **AGENDA ITEM: LEGAL NOTICE**

21 Ms. Knapp said this meeting was advertised in the annual meeting notice, and this
22 hearing was tabled from 1/8/19 to this evening.

23 **AGENDA ITEM: APPROVAL OF MINUTES**

24 Mr. Bardash made a motion to approve the minutes from the 2/26/19 BZC meeting as
25 presented. Mr. Johnson seconded the motion.

26 Vote: Bardash, yes; Johnson, yes; Flaherty, yes; Valentine, yes; Korleski, yes.

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

- 28 • Maribeth Graham, 6 Westgate Drive
29 • Amy Eiken, 61 Westgate Drive
30 • David Davis, 1950 Lackey Old State Road
31 • Marti Davis, 1950 Lackey Old State Road
32 • Jeff Jordan, 2862 Berlin Station Road
33 • Teri Jordan, 2862 Berlin Station Road
34 • Brad Cooke, 2820 Berlin Station Road
35 • Michelle Brooks, 4365 Eastbay Circle
36 • Jeff Baumann 1224 Dale Ford Road
37 • Michael Bernard, 1515 Ford Road
38 • Steve Spangler, 2877 Berlin Station Road
39 • John Pardi, Longhill Road Partnership
40 • Roy Cottrill, 1227 Belle Meade Place
41 • Ridge Cottrill, 185 Bridgeport Way, Delaware
42 • Gene Cottrill, 2807 Berlin Station Road
43 • Dan Cottrill, 927 Princeway Lane, Westerville
44 • Tom Roll, 2747 Gregory Road
45 • John Miller, 2922 Berlin Station Road
46 • Scott Yant, 2995 Curve Road
47 • Kathy Myers, 2945 Berlin Station Road
48 • Stan Myers, 2945 Berlin Station Road
49 • Brenda Swingle, 1158 Dale Ford Road
50 • Larry Harmon, 3931 Africa Road

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- 51 • Bob Ketterly, with Evans Farm, 1241 Peachblow Road
- 52 • Todd Moyer, 1522 Dale Ford Road
- 53 • Tim Rousher, 1720 Dale Ford Road
- 54 • Karen Bush, 1535 Dale Ford Road
- 55 • Barbara Sherman, 1469 Africa Road
- 56 • Matt Hildebrand, 3159 Berlin Station Road
- 57 • Shadd Parker, 1364 Dale Ford Road
- 58 • Jennifer Parker, 1364 Dale Ford Road
- 59 • Mike Akers, 2490 Berlin Station Road
- 60 • Betty Akers, 2490 Berlin Station Road
- 61 • Mike Shade, PO Box 438, Delaware
- 62 • Jeff Cutler, 7525 Perry Road, Delaware
- 63 • Jack Reynolds, Attorney with Smith and Hale, 37 W. Broad St., Columbus,
- 64 43215
- 65 • Greg Chillog, with The Edge Group, 330 W. Spring Street, Ste. 350 Columbus,
- 66 43215
- 67 • Drew Russell, with The Edge Group, 330 W. Spring Street, Ste. 350 Columbus,
- 68 43215

BZC 18-003

69
70
71 *BZC 18-003, filed by Longhill Limited Partnership II, RDRG Farms Inc., & Steve*
72 *Spangler Sr., requesting approval of a preliminary development plan to rezone 301.944*
73 *± acres on Berlin Station Road for a 531 single family lot subdivision.*
74

75 Jack Reynolds, attorney with Smith and Hale, and Greg Chillog, with The Edge Group,
76 presented the application and answered questions. Mr. Reynolds thanked the BZC for
77 reconvening, and said the applicant is trying to provide more visibility via slides for what
78 is being presented, instead of just the boards. He said the applicant was here about a
79 month ago and a lot of good feedback was provided. This evening he will present the
80 changes made as part of the revised application.

81
82 Mr. Reynolds said the input provided for a better subdivision and there are actually three
83 different subdivisions. Mr. Chillog will be reviewing the application and explaining how
84 a better plan has been provided.

85
86 Mr. Chillog with The Edge Group said he would review a quick outline of the major
87 changes made to the plan due to feedback.

- 88 • The parcel west of the railroad should not be included in this application. In
89 response, the 23 acre property west of the railroad tracks has been removed and will
90 be kept in preservation for agriculture. The overall acreage was reduced from 302
91 acres to 279 acres
- 92 • The lot count is too high. In response, the number of lots has been reduced by 39
93 lots, which reduced the overall unit count from 539 units to 492 units on the 279
94 acres.
- 95 • Provide for community identity and character in the parks and open spaces. The
96 applicant has brought to the township what the vision is and what the vision could
97 be. Mentioned at the last meeting was an agri-hood approach to development, which
98 was investigated later as to how it would fit into this development.
 - 99 ○ Agri-hood projects in Ohio, Florida, Texas, and Colorado were looked at and he
100 found that the term meant an operating farm located within a single family, multi
101 family, or mixed-use development. Uses include community gardens, community
102 farm plots, barns, agricultural centers that offer education to students and other
103 community members, retail uses, etc. These are a way to bring the community
104 together, give an identity and provide a sense of sustainability in the community.

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- 105 ○ One major change was made in the permitted uses section where items associated
106 with an agricultural setup or community farm were included so this type of use
107 could be permitted within this development. This use does not currently exist in
108 the zoning code.
- 109 ○ Commitments to park programming was included in the text for all of the
110 neighborhood parks, including community shelters, playgrounds, play fields, play
111 courts, open spaces, etc. Those are all things that will be required to occur in the
112 neighborhood parks.
- 113 ○ The path system was improved by connecting all the neighborhood parks together.
114 Different-sized walking paths were also created within the community including
115 two quarter-mile loops, a half-mile loop, and a mile loop.
- 116 ○ Mr. Chillog noted that even though the open space to the west was removed, the
117 open space number does not go down. The project still provides 90 acres of open
118 space onsite, which is 32% of the site, in the form of neighborhood parks or other
119 greenways. That is 35 acres above the required minimum, he said.
- 120 ○ Mr. Chillog said enlargements of the smaller neighborhoods have been provided
121 as well as how they will be branded. The empty-nester area will be known as The
122 Enclave, and he showed imagery regarding how this will be developed, as well as
123 more detail on what will happen in the parks, how the paths connect through it,
124 where the secondary entrances for all of the neighborhood will be, etc. There will
125 be primary entrance features along Berlin Station and Piatt Roads. There will then
126 be smaller branded entry features for the individual neighborhoods.
- 127 ○ Mr. Chillog showed the development's overall master plan and scheme and stated
128 that they are all very interconnected with each other through street systems, open
129 space system, and the pathway system.
- 130 ○ Mr. Chillog said every lot in the subdivision is within a 5 minute walk to a
131 neighborhood park, not including the larger park in the front and the larger park
132 along Berlin Station Road. It is very accessible to green space and neighborhood
133 parks. 60% of the lots, 249 lots of the 429 lots, back to, are adjacent to, or front
134 open space.
- 135 ● Minimize the impacts of this development along Berlin Station Road. Several major
136 things have been done to accomplish this. This includes an area to the south where
137 there had been an entrance drive and lots. The lots have now been removed from
138 that area and that area has been dedicated to open space. That will preserve and
139 enhance the character along Berlin Station Road.
- 140 ○ The entrance was removed and relocated around the corner onto Piatt Road. Mr.
141 Chillog said that he is trying to eliminate any conflict with traffic from the high
142 school and what had been the eastern entry on the project. This creates a different
143 presentation along Berlin Station Road.
- 144 ● Side yard reduction is too great. The divergence request for side yard setback and
145 structure separation has been modified from 6' side yard setbacks on The Enclave, 8'
146 side yard setbacks in The Meadows, and 10' side yards setbacks in The Reserve area
147 to 8' for The Enclave, and 10' for the other two areas.
- 148 ● Piatt Road. Piatt Road was pushed to the east in several key areas to create a buffer
149 between the subject development and the existing neighbors so they do not have Piatt
150 Road in their backyard. This provides space for a reserve that can be landscaped
151 with mounding, evergreen trees, etc. to create more separation.
- 152 ● Railroad Buffers. The divergence has been modified for the railroad buffer to fill in
153 the gaps for the existing vegetation.
- 154 ● PVC/ Expanded PVC. There were questions about what this material is so included
155 is a list of product manufacturers and what the expanded PVC is. Those product
156 types are not vinyl siding.

157 Mr. Chillog displayed slides of an agri-hood in Texas that is around 2000 acres. The
158 community farm portion of this project is on 7 acres. Included is a barn, small garden
159 plots for the community, larger plots for the farm, demonstration gardens, greenhouses, a

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160 farm-to-table restaurant, playground, basketball court, etc. Included in that project is
161 single-family, multi-family, and mixed uses.

162
163 Mr. Chillog said that successful agri-hoods and community farms are related to density.
164 The subject development will not be as dense as those displayed, but there are elements
165 that the applicant can incorporate into the open space plan. It will be a feature for the
166 community on Berlin Station Road, and the community can access these amenities. It
167 creates a nice image and allows the developer to minimize some conflict with the high
168 school.

169

170 Commission Consideration

171

172 Mr. Flaherty thanked the applicant for looking at the project from a different aspect and
173 use and making some changes.

174

175 Mr. Flaherty said the reduced setbacks are easier for him to consider although they are
176 still reductions. There have been compromises in the past, dependent on the attributes,
177 amenities and community sense that is brought by the development.

178

179 Mr. Flaherty said regarding the southern Piatt Road entrance, the county has plans for a
180 figure-eight roundabout and he asked whether that modification would fit in with that.

181 Mr. Chillog said it would, and the intersection separation will work with that as well.

182 Mr. Flaherty said regarding the amenities, the applicant alludes that it has set aside areas
183 for that purpose, and the different types were discussed. He asked what kind of
184 commitment in the text was being made. Mr. Reynolds said that was included in 11.08
185 a) where playgrounds, basketball courts, playfields, community shelters, and community
186 gathering places are called out.

187

188 Mr. Chillog said the text is specific regarding what those mean, including size of the
189 areas, who they will serve, the number and types of uses and their sizes, etc. To size
190 those spaces appropriately, he looked at national standards regarding the size of the
191 elements that are required per population and sized them appropriately.

192 Mr. Flaherty asked about the barns, agricultural center, etc. Mr. Reynolds said that was
193 included in section 11.04 c) 2) in the permitted uses. He wanted to clearly call out what
194 would be allowed under that section so the township could determine what uses are
195 permitted by right as an incidental use to the agri-hood operation. Those items have
196 been listed so there would be no confusion over future activities through the agri-hood
197 type community use.

198

199 Mr. Flaherty asked about the standards for their construction. Mr. Reynolds said
200 whoever comes in for the final development plan will be more responsible for
201 determining appropriate uses. The text provided a lock-up for the uses that will be
202 permitted. It was not included on the development plan but on the illustrated plan they
203 provided some idea of it. It shows a drive into the site with some parking spaces and
204 then a barn and some crop areas were included to show what it could be. That will be
205 strived for as the project moves forward, but of course the applicant is not the developer
206 and this is just a preliminary development plan. The applicant wanted to outline what
207 they could do.

208

209 Ms. Korleski said she did not see a commitment. Mr. Flaherty said that is what he is
210 trying to clarify. The applicant will include the items as permitted uses and details will
211 be provided in the final development plan. The text indicates that parks and greenway
212 areas with the development will be owned and maintained by the HOA. That includes
213 community gardens, accessory buildings, agricultural center, etc. and the HOA is
214 responsible for maintaining all of that. Ms. Korleski asked if the BZC can request such
215 items and the HOA will build it. Mr. Flaherty said the builder will build it, and the HOA
216 will maintain it.

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217 Mr. Reynolds said it also provides flexibility to the future HOA that they can add more
218 community space. This provides the HOA and the property owners the ability to morph
219 and to add more elements of the agri-hood later. Ms. Korleski said he is actually giving
220 the builder the permitted uses because the builder will be responsible for building the
221 items. Mr. Reynolds said the builder will turn the items over to the HOA. The HOA
222 could also build the structures later if they want because they are included in the
223 conditional uses. It seems Ms. Korleski wants the agricultural center in 11.04 to be
224 under the 11.08 so the builder pays for it.

225

226 Ms. Korleski said permitted does not mean they will be built. Mr. Chillog said a builder
227 will need to be found that can bring those items to fruition as builders typically build
228 homes.

229

230 Mr. Flaherty said he is more comfortable with the setbacks due to more amenities being
231 provided. He asked whether the commitment to side load garages is only on the Type C
232 homes. Mr. Reynolds said that is throughout. Mr. Flaherty said for Type A and B it is
233 more like an auto court. Mr. Chillog said it could be a regular side load. Side load
234 garages are more common on 90' wide lots but otherwise it would be an auto court type
235 of situation. Ms. Korleski asked whether 25% of the lots would have side load garages
236 only on the Type C lots. Mr. Chillog said 25% of the total lots including A, B, and C
237 lots will have side load or side court.

238

239 Ms. Korleski asked whether it was correct that the Type A lots would not have side load
240 garages. Mr. Chillog said that more of those lots would have auto court garages. Ms.
241 Korleski said she would like to see diversity in each of those areas. Mr. Bardash asked
242 whether he could commit to 25% in each area. Mr. Chillog said he would look into that.

243

244 Mr. Chillog said the reduced side yards provides the opportunity to move homes towards
245 the property line and allow more opportunity for side load garages.

246

247 Mr. Flaherty asked whether the fire department has reviewed the plans. Mr. Chillog said
248 Lt. Steve Arnold has reviewed the plan, and the applicant has responded to several of his
249 requests. Mr. Flaherty said there are concerns about the corners and the "tightness" of
250 the lots. Mr. Chillog said the minimum standards are met. Mr. Flaherty said coming off
251 of Piatt Road is better than coming off of Berlin Station Road for numerous reasons.
252 There was a discussion regarding stubbed roads.

253

254 Mr. Valentine thanked the applicant for listening to the community as well as the BZC
255 and modifying the application. He was appreciative that the applicant did not mention
256 Evans Farm. He cannot find fault with the mixture of uses, the parks, and the way the
257 development is laid out, other than that the development is very dense. However, it is
258 allowable and is under 1.85 units/acre. Mr. Chillog said it is 1.76 units/acre gross
259 across the entire acreage.

260

261 Mr. Valentine said he likes the location of the water features and that they are away from
262 property lines when possible. The only area he is concerned about is the area near Piatt
263 Road where there is a group of homes that back up to the road. It appears that there is a
264 tree line there. Mr. Chillog said he has proposed heavy buffer landscaping along those
265 areas as well. He pointed out the buffering and said a pastoral landscape will be done
266 along Berlin Station Road towards the road, and mounding and heavy landscaping will
267 be done along the rear of the yards. That will be done along Piatt Road as well although
268 it will be more significant along Berlin Station Road.

269

270 Ms. Korleski asked whether the entrance to Piatt Road will be lined up with the abutting
271 development to the east. Mr. Reynolds said they are setting the bar for that. Ms.
272 Korleski said it was mentioned in the DCRPC minutes and she wanted to bring it up.
273 Mr. Reynolds said the applicant is siting where the entryway will be in the future. The

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274 county will be very interested in that lining up because they do not want staggered curb
275 cuts. Because this application is the first one, they get to choose.

276

277 Ms. Korleski asked whether the agricultural property will be fenced on the site. Mr.
278 Reynolds said it is more of a community garden. Ms. Korleski said she was referring to
279 the adjacent agricultural properties and she asked whether those properties were
280 currently being farmed. Mr. Reynolds said to the north are single family homes. Ms.
281 Korleski said there is a small section that states "existing agriculture." Mr. Chillog said
282 that is the llama farm and it is already fenced. Ms. Korleski said the zoning resolution
283 indicates there must be fencing on the agricultural property. Mr. Chillog said that
284 obviously, if it is in the zoning resolution he will do it.

285

286 Mr. Chillog said he thought the development's open space abuts those developments.
287 Ms. Korleski said the purpose of the fencing is because there is equipment and animals
288 on that property. Mr. Reynolds said he can work with the abutting property owners
289 regarding that and he made a note to reflect that in the final development plan and to
290 provide that where needed.

291

292 Ms. Korleski said Phase 1 would be down near Berlin Station Road and asked what kind
293 of amenities they would have, given the 10 year timeframe of this development, and
294 Phase 1 is 2-3 years. The community gardens would be located up in Phase 4. Mr.
295 Flaherty said Phase 1 is the agricultural center area and is right across from Berlin High
296 School.

297

298 Ms. Korleski asked about a walking path all the way along the railroad tracks because
299 that is a long span. Mr. Chillog said the path system runs partially along the railroad
300 from Berlin Station Road to the back of the empty nester homes. It then turns into the
301 project. In the earlier project, it was between the rear of the lots and a pond. It was
302 modified to be in front of the homes in order to create better circulation and access to the
303 path system. He noted that the paths extend from the southern property line to the
304 northern property line.

305

306 Ms. Korleski asked whether there are sidewalks on both sides of the street. Mr.
307 Reynolds said there are. Ms. Korleski asked about the electrical easements along one
308 section and whether they cut into lots. Mr. Chillog said the main electric easement is on
309 the north side and there is a smaller easement that runs through the center. It does not go
310 through any backyards but instead through the open space system; they kept all lots out
311 of the electrical easements. He pointed out an easement area with a pond located within
312 it.

313

314 Ms. Korleski said the zoning resolution states that 15% of the gross acreage is for streets
315 and other infrastructure. It is to be removed from the total acreage to determine net
316 developable acreage, but the application does not do that. Only power line easements
317 and Berlin Station Road rights-of-way were removed, but no acreage was removed for
318 streets and other infrastructure. Mr. Chillog said he is not required to do that. Ms.
319 Korleski asked why. Mr. Chillog said net developable acreage is a pre-development
320 number. They cannot build on power line easements, wetlands, the easements of the
321 existing streets, etc. Everything else is considered buildable.

322

323 Ms. Korleski said the zoning resolution indicates in Section 4, item r), "Net developable
324 acreage is a land area measured in acres determined by deducting 15% of the
325 subdivision's gross acreage for streets and utilities plus all otherwise unbuildable areas."
326 Mr. Chillog said the definition he provided comes from somewhere else and he would
327 look into that. Mr. Reynolds agreed and asked where it was located in the zoning
328 resolution. Ms. Korleski said it is on page 4-11 and is the definition of Net Developable
329 Area Acreage. If 15% is removed from the gross developable acreage as well as the

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330 easement areas, the net developable acreage is 236 acres. 1.85 units/net developable acre
331 would be 437 units.

332

333 Mr. Chillog said the Berlin Township CLUP (Comprehensive Land Use Plan) defines
334 net developable area as a different definition. Mr. Armstrong stated that net developable
335 acreage in the zoning resolution has always been the standard uses by Berlin Township
336 and it is clearly stated. He said the 15% reduction results in 236.99 acres. The power
337 line easement is 12.12 acres, and the extended right-of-way is .6 acres, so that is a net
338 developable acreage is 224.190 acres, which at 1.85 is 414.75 units, rounded up to 415.
339 This is why there is a perception that the development seems so dense, because it is. In
340 his opinion, the exact number of units needs to be determined because that will
341 drastically impact this plan, before it goes any further. Currently there is a discrepancy
342 of about 77 units. Mr. Reynolds said he would look into that.

343

344 Mr. Johnson said that regarding the minimum lot area divergence for Type A and B lots,
345 he assumed that all of the Type Cs conform to the density standards. Regarding the
346 divergence for the size of Type B lots from the minimum requirements of 10890 SF to
347 10800, the difference of just 90' could possibly be eliminated if the side yard setbacks
348 were revisited. Mr. Chillog said he is close on the 80' by 125' lots. Mr. Johnson said
349 the applicant could be creative and eliminate the divergence for those lots.

350

351 Mr. Johnson said the applicant is requesting two signs, one on the west entrance on
352 Berlin Station Road and the other on Piatt Road. Mr. Reynolds said that is correct. Mr.
353 Johnson asked whether there is a definitive timeline for the Piatt Road extension. Mr.
354 Flaherty said the county has put out a map of the roundabout. Mr. Johnson said if the
355 Piatt Road extension is much further down the road than expected, all the traffic will
356 funnel through the single entrance off of Berlin Station Road and all of the traffic will be
357 in front of Berlin high school. He asked whether the developer intended to align the start
358 of Phase 1 to align with the Piatt Road extension.

359

360 Mr. Flaherty said when the county learns of the zoning approval, they will take the
361 money from the developer and then build it. The developer is responsible for a large
362 portion of the Piatt Road extension. Mr. Reynolds said the developer is responsible for
363 the cost of the extension located along the subject property's frontage. Mr. Johnson
364 asked what the commitment was.

365

366 Mr. Chillog said Piatt Road was kept out of Phase 1 because, due to the timing issues
367 that were mentioned, they do not want to indicate that can be done immediately. Much
368 of that will depend on the intersection at Berlin Station and Piatt Roads, and once that is
369 figured out it will lead to some design work on the Piatt Road extension. That was
370 included in the second or third phase. Mr. Johnson asked whether the second sign would
371 not be erected until Phase 3 was started. Mr. Chillog said that was correct.

372

373 Mr. Johnson asked how wide the pathways would be. Mr. Chillog said they are 8' wide.
374 Mr. Johnson said that 10' wide is typically the standard. Mr. Chillog said the pathways
375 along major roadways are 10' wide and internally they are 8' wide.

376

377 Mr. Johnson said Exhibit I indicates the walking trails in blue and the sidewalks in red.
378 Some of the sections indicate a 5' sidewalk on one side and an 8' pathway on the other
379 side but not sidewalk. Mr. Chillog said that was correct. Ms. Korleski asked whether all
380 streets would be curbed. Mr. Chillog said all streets would be curbed on both sides. The
381 pathway in areas in front of lots will be an 8' wide sidewalk but may lead to an asphalt
382 pathway once it gets to the open areas.

383

384 Mr. Bardash said if an agreement on the number of lots is reached to reduce them to be
385 closer to the 415 lot number, the side yard setbacks and lot size divergences will resolve
386 themselves.

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387 Mr. Bardash said that Section 11.08 f) indicates that wet basins will have aerators or
388 fountains, he would like to see fountains only. Mr. Chillog said that a more natural
389 character is desired in some areas and an aerator is desirable there. However, fountains
390 would be more appropriate in some areas such as up front. Mr. Bardash asked that those
391 locations and types of uses be specified in the final development plan and Mr. Chillog
392 agreed.

393

394 Mr. Bardash said Exhibit J-1 shows that for all lots that back up to other lots, trees or
395 shrubs will be planted. It appears there is a buffer being provided from backyard to
396 backyard in all of those cases. Mr. Chillog said he thought that was appropriate given
397 the reduction in the setbacks. Mr. Bardash said he liked that.

398 Ms. Kaplan said the retention pond on the west is very long and narrow. She asked how
399 wide it was at its narrowest point. Mr. Chillog said from the back of the lot to the
400 property line is about 100' and it will be a wetlands shelf. The pond's surface area is in
401 the 60-70' range at its narrowest point. The reason for the length of this is because it is
402 the only way to get the water to drain through the surface of the pond due to the flatness
403 of the area and the location of the outlet.

404

405

Public Comment

406

407 Tim Rousher, 1720 Dale Ford Road, said the applicant had stated they may not build on
408 the power line easement. However, shown are trees, playground and shelter within that
409 easement. If those items are removed by the easement holder, will those items be
410 rebuilt? Mr. Chillog said that certain uses can be built below a power line. This is a
411 smaller level power line and it is not as wide as the one to the north. There is room on
412 both sides of the power line that runs through the central part of the park for all of those
413 amenities to move north and south or out of the easements if necessary.

414

415 Mr. Rousher asked whether the developer's "feet would be held to the fire" regarding the
416 building of amenities such as the barn or the landscaping as shown. He asked whether
417 there was any commitment or whether the homebuilder can decide later to do something
418 different. Mr. Flaherty said this is the initial action to rezone the property and the
419 developer provides a general look of how they want to rezone the property. Later, the
420 final development plan will be provided to the BZC with the final details such as how
421 many trees there will be and where, which ponds have aerators, etc. After the final
422 development plan is approved, the zoning inspector will inspect the property to ensure
423 the commitments are adhered to. The zoning inspector has the ultimate authority to
424 determine whether it conforms to the plan as approved. The courts can enforce that if
425 necessary.

426

427 Mr. Rousher said that if he were to live in that neighborhood, he would personally have a
428 larger lot with his own garden and basketball court than pay to maintain an open space,
429 community garden, barn etc.

430

431 Teri Jordan, 2862 Berlin Station Road, said the density seems very high even if it is
432 reduced as requested. She asked whether the cost of the road maintenance etc. that the
433 township will be responsible for has been addressed. Mr. Johnson said the township will
434 be responsible for the roads regardless. He assumed Piatt Road will be turned over to the
435 county because it will be a main arterial road. Berlin Station Road is maintained by the
436 township, and everything inside the development will be the responsibility of the
437 township.

438

439 Mr. Flaherty said that townships "are the last man paid on the totem pole." Regardless
440 of the density, the amount the township receives in taxes from those properties will never
441 be greater than the cost to maintain those roads, especially in 25-50 years. A residential
442 neighborhood does not generate enough tax dollars to maintain the roads. The township
443 has not had to put a roads levy on the ballot yet like other townships have done.

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444 Ms. Jordan said that everybody has heard the stories that their Olentangy School taxes
445 will go down when the houses are built but that has not turned out to be true. This type
446 of high density development will generate many new students and taxes will be raised.
447 She would like to see fewer homes. Ms. Korleski said this property is zoned R-3, which
448 allows 1.85 units per net developable acre. It cannot be turned down if that density is
449 met.

450
451 Larry Harmon, 3931 Africa Road, said it seems that “net developable acres” has always
452 been a bone of contention here and he is aware that some language had been cleaned up
453 a few years ago. He asked whether retention ponds are considered part of the
454 development or not developable acreage. Ms. Korleski read the definition from Section
455 4 of the zoning resolution. Mr. Flaherty said that describes protected wetlands that are
456 already identified pre-existing prior to the development. He added that floodplains,
457 ravines, slopes greater than 20%, and any existing utilities are also included in that
458 calculation.

459
460 Mr. Flaherty said the detention ponds are part of the net developable area, and of that
461 area, a minimum of 20% must be dedicated green space. Ponds are technically green
462 space by definition and they are counted as green space. Ms. Korleski said existing
463 bodies of water are also included. Mr. Harmon said he assumed that nothing on this
464 property is existing wetlands. Mr. Flaherty said that is correct. He reviewed the density
465 calculations that Mr. Armstrong had mentioned earlier.

466
467 Mr. Harmon said the recent CLUP survey and other resident input has indicated that
468 residents support the township’s attempts to adhere to the zoning resolution’s density
469 requirements.

470
471 Amy Eiken, 61 Westgate Drive, asked whether this development will be advertised as an
472 agri-hood or will it simply indicate that it has “agrihood-like” enhancements. Mr.
473 Reynolds said feedback is being obtained now and the builder will come back to the
474 BZC to discuss their vision and which amenities they will like to provide.

475
476 Ms. Eiken asked whether the community gardens will only be located in the front park
477 area near the barn. Mr. Chillog said any of the elements of the permitted uses could be
478 presented anywhere on the site’s open spaces area. Mr. Flaherty said the property is
479 currently zoned FR-1 which allows a minimum density of 1 unit per acre. With this
480 rezoning, 1.85 units per acre will be permitted and the permitted uses are included. The
481 applicant is getting the project “shovel ready” for a home builder to come in and do the
482 project within the parameters provided by zoning. Later, the final development plan
483 with the fine details will be presented to the BZC, including the permitted uses, which
484 could be located anywhere in the development.

485
486 Scott Yant, 2995 Curve Road, said he has a farm property not directly related to this
487 development, but he is interested in the agri-hood concept. His son is a biologist for an
488 engineering firm and lives in Ashville. Just outside Ashville is an agri-hood
489 neighborhood, and his son did the delineation for that area. Regarding density, Mr. Yant
490 said he is 57 years old and when many of the people in this room were building their
491 homes around him, he would have preferred zero density. However, he knows that is not
492 realistic. An agri-hood is a very progressive idea that can make a very positive impact
493 on the community. It will improve property values and will become a destination
494 location if it becomes a true agri-hood. He is aware that development will continue to
495 progress and he would like to be part of a community that has that “flavor” to it.

496
497 Mr. Yant said regarding high density, he did not want to see another neighborhood like
498 Glenross, which has 2 units per acre density, which could happen if the residents do not
499 take the initiative to make something progressive like this happen. He does not want the
500 community to lose out.

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501 Karen Bush, 1535 Dale Ford Road, said she teaches at the high school and she has
502 children who will be driving in the new couple of years. She is really struggling with the
503 traffic issue. Berlin Station Road is a nightmare on school days and she doesn't know
504 how in good conscience the building of all these homes could be started, not knowing
505 when that separate exit will be built. Berlin Station Road was not built to handle the
506 traffic of 1200+ children, their families and busses. Safety needs to be of the highest
507 priority.

508

509 Mr. Flaherty said safety is the BZC's primary concern. However, by law, traffic may not
510 be considered by a zoning commission when determining whether to approve a rezoning
511 application. The applicant must go to the county and have a traffic study analysis done
512 and the county will dictate what needs to be done to the county roads to support that
513 neighborhood.

514

515 Ms. Korleski said that infrastructure improvements are typically done after the
516 developments have been completed. Rarely is it done in advance.

517

518 Betty Akers, 2490 Berlin Station Road, said that at the last meeting, parking was
519 discussed, and she asked whether some of the houses would still have shared driveways.
520 Mr. Flaherty said that was never part of this application. Mr. Reynolds said that each
521 home has a separate driveway with a two-car garage and two parking spaces on the
522 driveway. Mr. Flaherty said Berlin Township has a well-defined on-street parking policy
523 that is determined by the width of each street.

524

525 Michael Bernard, 1515 Ford Road, said in addition to the regular street traffic, during
526 Phase 1 development, all of the construction traffic will be going in and out of the same
527 entrance onto Berlin Station Road, and that will exacerbate the existing traffic situation.
528 Ms. Korleski reminded him that traffic cannot be a condition of zoning. Mr. Flaherty
529 said that with the construction of Berlin high school, the township did pass a noise
530 ordinance due to the noise generated by the construction at all hours of the night.

531

532 Mr. Bernard asked whether any proposals had been received to develop the property, as
533 it is currently zoned FR-1. Mr. Flaherty said there had not been, and that Ohio is a right
534 to develop state and the property owner has the right to go through the zoning process to
535 redevelop it. Mr. Valentine said there are six different parcels included in this
536 development and any of them could develop as FR-1 right now, and that would not need
537 to be brought to the township for approval.

538

539 Mr. Bernard asked what the criteria was to allow or disallow the zoning change
540 including divergences. Mr. Bardash said if the application includes no divergences, the
541 BZC and the trustees have no right or ability to deny the application. The only method
542 to do anything about it is for residents to put a referendum on the ballot.

543

544 Gene Cottrill, 2807 Berlin Station Road, said the Piatt Road extension to Cheshire Road
545 is contracted and must be done by July 2019, so the problem will be mostly solved. 90%
546 of the traffic comes from the south, not the north. A female voice added that many
547 drivers come from the west as well. Mr. Cottrill said a new high school will be built in
548 the future. He said once Piatt Road is built from Cheshire Road up, there will be much
549 less traffic on Berlin Station from the schools. Much of the traffic is after school hours
550 when numerous athletic events are held.

551

552 Ms. Korleski said the township has nothing to do with the traffic and she asked if there
553 were public comments on any other issues.

554

555 Mike Akers, 2490 Berlin Station Road, said that mentioned recently was zoning at 1 acre
556 per lot, and he asked why this was developed at a different density. Mr. Flaherty said
557 that FR-1 is the zoning for all properties by default, which allows one home per acre,

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558 with no approval by the township required. The zoning process allows property owners
559 to rezone their properties to certain types of zonings, and that is what the developer is
560 going through now. A PRD (planned residential district) overlay is being requested on
561 the R-3 zoning that is being requested. That gives the developer an ability to design the
562 neighborhood in a collective pattern as opposed to straight roads with houses.
563

564 Mr. Flaherty said the CLUP is the vision of how the township would like to be built out
565 as it is developed. It has not been updated in full since 2010, and that vision has changed
566 a bit so the BZC is working on updating the CLUP, including the recent survey. This
567 area was designated in the CLUP as an area that can be developed as R-3, based upon
568 feedback from the community.
569

570 Mr. Flaherty said divergences are sometimes granted for the sake of a better
571 development. The agri-hood concept came out of this room at the last meeting; this is an
572 effective use of this process. The residents who attended the meeting provided that
573 input.
574

575 Mr. Akers asked if this is approved, can all the other land in this area be rezoned the
576 same? Mr. Flaherty said they can apply for zoning but it is not automatic. Mr. Akers
577 said he was concerned about setting a precedent. Mr. Flaherty said that Ohio is a right-
578 to-develop state and he reviewed in detail the ancient history of how land was acquired
579 by property owners in Ohio, and how that has resulted in today's laws regarding zoning.
580

581 Mr. Flaherty said that property that is zoned FR-1 has the right to move to a PRD, an R-3
582 or an R-4, depending on the CLUP vision map that the township has implemented. Most
583 developers try to meet the CLUP's vision because they do not want to disrupt the
584 community.
585

586 Mr. Johnson said that the BZC's vote to the trustees is officially a recommendation to
587 the trustees, not an actual approval or denial. The trustees, as the elected representatives
588 of the township, will have the final say. The trustees can either accept the BZC's
589 recommendation or even vote to not accept it. The BZC's role is to interpret whether an
590 application complies with the regulatory code established by the township. Mr. Flaherty
591 added that the BZC also determines whether the township's vision is being met. Mr.
592 Johnson noted that the BZC also reviews safety issues during their consideration of an
593 application.
594

595 Maribeth Graham, 6 Westgate Drive, said regarding the parcel to be used for the agri-
596 hood, she did not hear any specific acreage mentioned for that small green square of
597 property, and she would like to know how much land that is. Ms. Korleski said that
598 property is just part of the development's open space and they are putting the community
599 gardens in the open space.
600

601 Mr. Johnson noted that this is a conceptual layout and is a set of guidelines. If those
602 items have all been removed prior to the final development plan, the BZC would have
603 the ability to reject the request for a final development plan because they did not
604 conform to the basic general tenets of the preliminary plan. However, that does not
605 mean that the agri-garden must be in that location; it could be located in a different area.
606 Mr. Chillog said the parcel mentioned is about 8 acres. Mr. Flaherty said the first step is
607 the preliminary development plan and the last step is the final development plan. In
608 between those steps, work is done including with the county regarding what
609 infrastructure is required, etc. As a result, some changes could be made that impact the
610 final development plan.
611

612 Shadd Parker, 1364 Dale Ford Road, said that he thought he heard a statement that Piatt
613 Road will be shifted to the east. Mr. Chillog said it is being shifted to the west. Mr.
614 Parker asked by how much did the road shift. Mr. Chillog said it was about 25-35' on

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615 the arc section of the road. Mr. Parker said he was concerned about this property; he
616 lives on the shared driveway that butts up against the proposed exit to the far north. He
617 asked how much space that actually provides from the access road to the development to
618 the tree line that separates his and his two neighbors' properties.

619
620 Mr. Chillog said that is the location where the road was moved to the west, based upon
621 comments received at the last meeting. Mr. Parker asked how far away the current tree
622 line that butts up against that road is from where Piatt Road will be. Mr. Chillog said the
623 right-of-way line is probably 50' away at the near point. Mr. Flaherty added that it will
624 be about 225' to the closest house, if the scale is correct.

625
626 Mr. Parker said he and his neighbors are concerned that with all the traffic being
627 funneled through that area, those headlights shine right down his property line. He asked
628 whether that tree line could be enforced and other measures taken to ensure that the
629 reasons they moved to this area for, including "not seeing other humans," could be
630 maintained.

631
632 Mr. Chillog said the curve was shifted west in order to create a reserve, which would be
633 owned by the HOA (homeowners association). The intention will be to provide
634 mounding or supplemental plantings in those areas, and this is indicated in the
635 landscaping plan and the illustrative plan. He said that would be on the east side of Piatt
636 Road, between Mr. Parker's property line and the street.

637
638 Mr. Parker asked whether zone A to the north included the largest lots. Mr. Chillog said
639 the largest lot are the Type B lots and he pointed them out. Mr. Parker said a major
640 concern of the neighbors is that they want people as far away from them as possible.
641 They understand that the property will be developed. He asked why the developer did
642 not decide to line the existing properties with the larger lots so there are larger areas
643 separating new houses from existing houses. Doing so would make the plan much more
644 palatable than a 20' wide pond of water and a house directly in the line of sight of the
645 existing neighbors.

646
647 Mr. Chillog said that he has attempted to do so, and is including a 50' wide landscaping
648 buffer along the perimeter, not located on the lots. The largest lots were located next to
649 that landscaping buffer. The closest neighbor today will still be the closest neighbor
650 when the development is completed; he has measured each of the lots. His company tries
651 to accommodate existing neighbors in designing their developments.

652
653 Mr. Parker said the power line runs through the middle section and he asked whether
654 playground and other uses would be located so children would be playing near the
655 powerlines. Mr. Chillog said the power lines run through the center of the central park.
656 There is about two acres to the north side of the power lines and to the south is the same.
657 Mr. Parker said it did not seem to be very relaxing to hang out underneath the buzzing
658 power lines. Mr. Flaherty said they are not the high rise power lines and they do not
659 buzz. Mr. Chillog said the lines currently run near other homes.

660
661 Marti Davis, 1950 Lackey Old State Road, asked about the roundabout. Mr. Flaherty
662 pointed out a figure 8 roundabout that is planned by the Delaware County engineer. It is
663 on the projection plan but has not been platted.

664
665 Ms. Bush asked how a referendum could be pursued. Ms. Korleski said this application
666 will go the trustees for final approval and after that a referendum can be initiated. Mr.
667 Flaherty suggested that she speak with legal counsel. He explained the process briefly
668 and noted that the referendum window is 30 days after the trustees' decision.

669
670 Mr. Yant said he does not like anybody telling him what to do with his own property.
671 He said that anyone believing there is no consequence from a referendum is just fooling

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672 themselves. As long as the schools come in, development will continue and the best they
673 can hope for is something like this. He guarantees that they will not like other future
674 plans if this project does not go through. There are other people who want to get in the
675 ballgame that are going to make it much worse than this, including increased density.

676

677 Mr. Reynolds said there are issues remaining and he asked that the application be tabled.
678 There was a discussion about the date.

679

**RESOLUTION 2019.03.12 .#A: TABLE AND CONTINUE
BZC 18-003 TO 4/23/19 AT 7:00 PM**

680

681 Ms. Korleski made a motion to table and continue BZC 18-003 Longhill to April 23,
682 2019 at 7:00 p.m. at Berlin Township Hall. Mr. Bardash seconded the motion.
683 Vote: Korleski, yes; Bardash, yes; Johnson, yes; Valentine, yes; Flaherty, yes. Motion
684 carried.

685

AGENDA ITEM: OTHER BUSINESS

686 Zoning Inspector Report

687

688 Mr. Loveless said the RCD matter is continuing. There is a pretrial conference on
689 4/29/19 and one trustee will be attending. If the issue cannot be resolved, the trial date is
690 May 16, 2019 and assistant prosecutor Mark Fowler has requested that all trustees attend
691 the trial.

692

693 Ms. Rippel said there is nothing on the next agenda. Mr. Flaherty noted that it is spring
694 break and he will not be there. Mr. Bardash said he will not be there either. Ms. Korleski
695 said that meeting scheduled for 3/26/19 may need to be canceled and she will advise the
696 BZC.

697

698 There was no further business to come before the Commission. Motion to adjourn.
699 Meeting adjourned.

700

701

702

703

Toni Korleski, Chairperson

704

705

706

707

Jerry Valentine, Vice-Chairperson

708

709

710

711

Darcy Kaplan, member

712

713

714

715

Mike Bardash, member

716

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718

719

Martin Johnson, member

720

721

722

723

Steve Flaherty, 1st alternate member

724

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725

726

727

728

729

730

731

Ray Armstrong, 2nd alternate member

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