

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

REGULAR MEETING

TUESDAY, SEPTEMBER 10, 2019 7:00 PM

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

3 **CALL TO ORDER**

4
5 The meeting was called to order by Toni Korleski at 7:00 PM.

6
7 Zoning Inspector David Loveless led meeting attendees in the pledge of allegiance.

8
9 BZC members present: Chairman Toni Korleski, Vice-Chairman Jerry Valentine, Darcy
10 Kaplan, Martin Johnson, BZC alternate member Ray Armstrong

11 Also present: Zoning Inspector David Loveless; Zoning Clerk Lisa Knapp; Zoning
12 Secretary Cathy Rippel.

13 Not present: BZC member Mike Bardash; Steve Flaherty, 1st BZC alternate member.

14
15 Ms. Korleski read the adopted BZC policy statement as printed in the agenda.

16 **AGENDA ITEM: LEGAL NOTICE**

17 Ms. Knapp said this meeting was advertised as a regular meeting at the beginning of the
18 year, and that the applications were tabled to this evening from 7/23/19.

19 **AGENDA ITEM: APPROVAL OF MINUTES**

20 Mr. Valentine made a motion to approve the minutes from the August 27, 2019 BZC
21 meeting as presented. Mr. Johnson seconded the motion.

22 Vote: Valentine, yes; Johnson, yes; Armstrong, abstain; Kaplan, abstain; Korleski, yes.

23 Motion carried. Minutes approved.

24
25 **Agenda Item: Introduction of Meeting Attendees**

- 26 • Andrew Northeim, 815 Shanahan Road
27 • Barb Sherman, 1469 Africa Roads
28 • Joe Korleski, 3585 Greenville Drive
29 • Roy Edwards, 358 Scioto Spur, Dublin
30 • Nathan Eggford, 358 Scioto Spur, Dublin
31 • Bruce Runyon, 37 Trails Edge Circle, Powell
32 • Jeff Gordon, 788 Blackthorn Lane
33 • Mark Raiff, 5876 Bluestone Way
34 • Trey Giller, 470 Olde Worthington Road
35 • Tim Feeser, 6501 Brookview Manor Drive
36 • Alex Daquila, 6565 Brookview Manor Drive
37 • Joe Thomas, with Metro Development
38 • Todd Faris, with Faris Planning & Design

39 **AGENDA ITEM: BZC 19-001 & 19-002**

40 **AGENDA ITEM: BZC 19-001 & 19-002 PEACHBLOW LAND LLC,**
41 **KENNY ASSET MANAGEMENT LLC, TRIANGLE PROPERTIES INC.**

42
43 *BZC 19-001 (formerly BZC 17-007), filed by Peachblow Land LLC, Kenny Asset*
44 *Management LLC, Triangle Properties Inc., 470 Olde Worthington Road, Suite 101,*
45 *Westerville, OH 43082. The applicants are requesting approval of a preliminary*
46 *development plan known as Berlin Meadows, Parcel's #418-330-01-016-000; 418-*
47 *330-01-014-000; & 418-330-01-094-000; from Farm Residential District (FR-1) to R-3*
48 *with a Planned Residential District Overlay (R-3/PRD) 183.81+ acres, 1162 Peachblow*
49 *Road, 0 Peachblow Road, & 663 Shanahan Road, Lewis Center, OH 43035*
50

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52 *BZC 19-002, filed by Peachblow Land || LLC, & Kenny Asset Management LLC, 470*
53 *Olde Worthington Road, Suite 101, Westerville, OH 43082. The applicants are*
54 *requesting approval of a preliminary development plan known as Berlin Meadows,*
55 *parcels #418-330-01-016-000; 418-330-01-014-000; from Farm Residential District*
56 *(FR-1) to Planned Commercial and Office District (PCD) & 418-330-01-017-000; from*
57 *Planned Industrial District (PID) to Planned Commercial and Office District (PCD)*
58 *20.85 + acres, 1162 Peachblow Road, O Peachblow Road, & 663 Shanahan Road, Lewis*
59 *Center, OH 43035.*

60

61 Ms. Korleski said there are two applications to be reviewed, and one is contingent on the
62 other.

63

Residential

64

65 Mr. Valentine said there are two parcel numbers that are indicated on both of the
66 applications, and he asked whether that was correct. Mr. Faris said he believed so and
67 that there is one parcel that is split. Mr. Valentine said there are two parcels, one ending
68 in 016 and the other in 014, that were included in both applications. Mr. Faris said that
69 was correct and that eventually there will be a lot split.

70

71 Mr. Faris showed the surrounding uses that have been approved, as well as the
72 surrounding zoning. The BZC asked for the net density of the surrounding areas at the
73 last meeting and he did the best he could to provide that information. He said the net
74 density is now 1.85 units/net developable acre, and 2.35/gross developable acre. Evans
75 Farm is 2.2/2.6 as approved and didn't have many easements. North Farms is 2/2.34,
76 The Greenery is 3.23/nearly 5 due to many powerlines. Two area builders were recently
77 approved at 2.61/3.23, and Glenross has many easements, as does Belmont Place.
78 Mr. Faris said the proposed density is in the general area of these other properties
79 although he is not lower. The net is higher due to so many power line easements. He
80 distributed a chronological history of the submissions. It was started two years ago with
81 425 single-family lots at 2.2/2.7 units/acre. He resubmitted in 2018 with the same
82 number of lots but it was adjusted to add the North Road improvements. It was
83 submitted again in May of 2018, acknowledging comments from the Delaware County
84 Regional Planning Commission (DCRPC) and the number of units was reduced to 423.
85 In September 2018, a new submission included the school site, which reduced the
86 density to 2/2.45 with about 381 lots.

87

88 Mr. Faris said he resubmitted in January 2019 to add some commercial density, and the
89 density increased, but the commercial ground was removed from the total. In April 2019
90 the lot count was reduced to 362 total lots. The commercial area was reconfigured and
91 North Road was revised to align to the west. It was resubmitted in July 2019 to remove
92 the planned industrial district altogether from the planned commercial area. It will
93 remain planned industrial on the current plan, and the property to the east will be
94 rezoned as planned commercial.

95

96 Mr. Faris said the current submission has 1.85 units net/2.35 units gross. There is a total
97 of 336 lots, and North Road has been revised due to an agreement between the county,
98 Metro Development and Evans Farm. The commercial area has been revised to reflect a
99 new roadway, the single family area has been revised to reflect a new roadway, and 10%
100 of the lots were revised to accommodate side load garages. The number of lots has been
101 reduced significantly.

102

103 Mr. Faris said North Road has been realigned to follow the common boundary on Metro
104 Development's side and then it hops over to Evans Farm on the other portion of it so the
105 cost is split equally between the county, Metro Development and Evans Farm.

106

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107 Mr. Faris said the biggest change to the plan is that the single-family housing was
108 pushed over in order to maintain a buffer, and also the second entry was moved. The 80'
109 wide lots have been scattered throughout the development.

110
111 Mr. Faris said there are four different lot sizes, and side yards of 6' on two of the lot
112 sizes, and 10' on the 64' and 80' wide lots.

113
114 Mr. Faris said the school site has been slightly reconfigured so there is the ability to have
115 a second entry in the future. There will still be a community center with a pool and a
116 community park and pathways.

117
118 Mr. Faris said the open space plan has been increased from 38% to nearly 47% open
119 space since the initial plan, which is 85 acres out of 181 acres. There will be a
120 community center, a park, the school and activities located within that space, as well as
121 nearly 3 miles of walking paths and nearly 7 miles of sidewalks, including both sides of
122 the street.

123
124 Mr. Faris said the prior plan included a divergence from the code's requirement that
125 there may be no building located within 50' of the perimeter, but that has been
126 eliminated from the plan. There are only 5 divergences of the 6-7 that were originally
127 included. Most have remained the same except for the marketing signage in the PCD
128 area, which has increased to four signs due to the entrances. Ms. Korleski asked why he
129 was requesting four signs when there are only three entrances. Mr. Faris said in the
130 northern portion of the site, only the school will be built in that area for a while, as
131 OLSD wants to start construction next year. He explained that he would like to market
132 the development from a fourth location as well.

133
134 Mr. Faris said a divergence has been requested from the 10,890 SF minimum lot size, as
135 well as divergence from the lot frontage requirement at the front build line. There is also
136 the requested divergence from the 12.5' required side yard setback to allow 6-10' side
137 yard setbacks.

138
139 Mr. Faris said he is requesting a divergence from the 1.85 units/net developable acre to
140 2.35 units/net developable acre. He said this project brings several attributes to the
141 community including the North Road improvements, as well as the school site.

142
143 Joe Thomas, with Metro Development, said the discussion about the development plan
144 began in 2017, with discussions regarding how the Comprehensive Land Use Plan
145 (CLUP) included the Melva site as a planned industrial district. He met with trustee Ken
146 O'Brien, the county administrator, and the county sanitary sewer district. The result was
147 a discussion regarding the sanitary tributary area, and a document that shows what is
148 being served in Berlin Township in this sewer district area. He was concerned how the
149 elimination of the PID would impact the sewer in this area, development expected to
150 occur along the Route 23 corridor.

151
152 Mr. Thomas said it was determined that the catalyst for the area was this development.
153 A sewer trunk line is being developed that starts at Route 23 just north of Piatt Road,
154 extends through The Greenery to the subject property's property line to the west, then
155 extends through that property to the north to the school, and to Evans Farm to the east.

156
157 Mr. Thomas said it was determined that the capacity of the sewer to the single family
158 homes will not be detrimental to the overall capacity of the sewer that would feed
159 commercial business ventures along Route 23. He said trustee O'Brien determined that
160 it would not have a negative effect on the CLUP at that time and that PID.

161
162 Mr. Thomas said he has committed to the county, the Evans Farm group, and the school
163 district that he will be delivering the sewer from Route 23 to the subject property line

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164 and up through the site in a certain amount of time. Metro Development is assuming
165 financial responsibility for the entire area indicated in green on the plan, the county is
166 taking responsibility for the area indicated by a red line, and the developers inside the
167 communities will take responsible for the lines indicated in yellow and blue.

168
169 Mr. Thomas said that is the reason why he developed the plan, which is not just for the
170 subject development, but for the entire area and will ultimately serve the mobile home
171 park.

172
173 Mr. Thomas said in 2017, the North Road connection was not even contemplated. That
174 has changed now and there is a working agreement that he will join the transportation
175 improvement district and will be financially responsible for 1/3 of that roadway. The
176 county engineer has already started the engineering for a portion of the roadway, and the
177 reason why they are doing that prior to some of the properties being improved is due to
178 the OLSD elementary school.

179
180 Mr. Thomas said that immediately following the zoning approval of this rezoning
181 application, Metro Development would begin construction plans for the sewer. The
182 school would then be able to begin their development.

183
184 OLSD Superintendent Mark Raiff stated that the school board discussed updated
185 enrollment projections recently, and it appears that in the next 10 years there will be an
186 additional 2,400 elementary-aged students, 1300 middle school students and 1200 high
187 school students. The opening of Berlin high school has helped with the capacity for the
188 high school students, but the district is currently at capacity for elementary students,
189 even after moving the administrative offices from Shanahan middle school and adding 6
190 classrooms onto each of 3 elementary schools, which together provided the capacity for
191 a 16th elementary school without the operating costs.

192
193 Mr. Raiff said this school year opened with 5 available classrooms and there is a
194 significant capacity concern for elementary students. This site has been discussed for
195 quite some time. OLSD has purchased property north of Liberty high school where an
196 elementary school could be built, but there is no population density in that area. There is
197 a pad at Berkshire middle school where an elementary school could be built, but that too
198 is on the far edges of the district and it makes it more difficult to redistrict students there.

199
200 Mr. Raiff said this site is ideal for an elementary because Arrowhead is over 700
201 students, Cheshire is 690, Heritage is 680, Johnnycake Corners is over 700 students, and
202 these schools that have just a 650 student capacity. That would make redistricting much
203 more cost-effective for the district from a transportation standpoint as well as causing
204 less disruption for the students and families involved.

205
206 Mr. Raiff said OLSD will continue to allow class sizes to grow throughout the
207 elementary schools to accommodate this for the next few years, but it is necessary that
208 an elementary school open for the 2021-2022 school year. He said the school board is
209 expected to vote to put a levy on the March 2020 ballot, and will most likely include two
210 elementary schools and a middle school site.

211
212 Mr. Raiff said the district is highly supportive of the proposed elementary school site as
213 it is in an ideal location and meets the needs of the area population, and it would be good
214 for the overall community.

215
216 Mr. Thomas said when this first started, he was trying to relate the development to Evans
217 Farm but it was not able to provide the amenities that development provided. After
218 comments from the BZC, Metro Development programmed the open space to include
219 activities for the residents in this area, not just this development, including trails, park
220 areas, pickle ball, bocce ball, shelter houses, etc.

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221 Ms. Korleski said the application text still compares the development to Evans Farm.
222 Mr. Thomas said they are adjacent to Evans Farm, and he believes they are in the same
223 discussions as far as the park and program amenities they are providing, and they are
224 providing the school and commercial areas as well. There will be a multi-use trail along
225 North Road as well as in front of Peachblow and Shanahan Roads, and internal
226 walkways throughout the entire community that add up to around 10 miles.
227

228 Ms. Korleski applauded the applicant for their detailed text and drawings and said it was
229 easy to follow. Mr. Thomas thanked the Berlin Township zoning staff for their
230 extensive and cooperative assistance in coordinating it.
231

Commission Consideration

232
233
234 Ms. Kaplan said the applicant has made a good case for the amenities and infrastructure
235 that has been added. Regarding the comparison with Evans Farm, she remains
236 concerned about the appearance of the homes that will be clustered together, with
237 individual driveways located close together. Evans Farm offered back alleys which
238 helped to mitigate that appearance.
239

240 Mr. Valentine asked what the price point of these homes would be. Mr. Thomas said
241 they would range from \$400,000 to \$600,000+. Mr. Valentine asked whether it was
242 correct that 10% of the lots would have side load garages. Mr. Faris said it was slightly
243 over 9%. Mr. Valentine asked, regarding the colored map that shows the net
244 developable acreage for surrounding communities, how many of those developments are
245 located in Berlin Township? Ms. Korleski did not think any of them were except The
246 Greenery, which is a transitional planned unit development (TPUD) and should not be
247 compared to the densities for a single-family development.
248

249 Mr. Valentine said the density as proposed does not quite fit in. Mr. Thomas said the
250 property being donated to the school, the sewer expansion, and the road improvements
251 will result in significant costs for the developer. He understands that the other
252 developments in the area are not Berlin Township, but he would like this to be a
253 sustainable community that is feasible and marketable. He noted that Evans Farm has
254 not been developed yet and said the subject property is bringing many amenities to the
255 area such as the community center, the pool, the parks and the trails.
256

257 Mr. Thomas said he is asking for a different density than other communities have
258 recently, but this will be a community that residents will be very proud of, and it will
259 develop very quickly. Mr. Valentine asked who the builders would be. Mr. Thomas said
260 he was not certain yet but it will probably be M/I Homes and Rockford Homes.
261

262 Ms. Korleski said per the zoning resolution there should be a maximum of 264 units
263 instead of 336, but the applicant is trying to work out the density. She asked whether the
264 community center and the pool were part of the open space calculations. Mr. Thomas
265 said they were. Ms. Korleski asked whether the trees would be located outside of the
266 road rights-of-way and in the front yards instead. Mr. Thomas said that was correct.
267

268 Ms. Korleski said the internal pathways will be 5', 8' and 10' wide and she was fine with
269 that. She asked whether there would be any three car garages. Mr. Thomas said the
270 largest lots will have the ability to have a three car garage, and he stated that there could
271 be side load garages on the 80' wide lots, and the other lot sizes that are corner lots will
272 have the same ability. Ms. Korleski noted that three car garages are popular for storage
273 purposes of items other than cars.
274

275 Ms. Korleski said she read that there will be stone headwalls and endwalls as well as
276 fountains in all ponds. She asked whether the 50' perimeter yard setback would be met.
277 Mr. Faris said that was correct.

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278 Ms. Korleski said there was a request for a divergence to allow 7,280 SF lots, but many
279 are larger than that. She noted that a divergence has been requested from Section 9.02 b)
280 to allow the lot frontage to be reduced to 32', and that a minimum lot width of 56', 62',
281 64' and 80' will be met at the front building setback lines on all lots as shown of those
282 size categories. She asked what the 32' referred to. Mr. Faris said that was for cul-de-
283 sac lots and they will flare out to the building line to 52'. Ms. Korleski asked how many
284 of those there were. Mr. Faris said those are only lots 88 and 89.
285

286 Mr. Johnson said the plan has improved significantly from where it started. He
287 appreciates that the applicant is in a "pickle" in regards to trying to manage the financials
288 of developing this property, especially with the additional expenses of the sewer, etc. and
289 the power lines on the property. However, the applicant is "still a town center and an ag
290 center away from being like Evans Farm."
291

292 Mr. Johnson asked whether the primary paths are 10' wide and the secondary paths are
293 8' wide. Mr. Faris said the secondary paths are internal to the project and are indicated
294 in red. The primary paths are along Peachblow, North and Shanahan Roads. Mr.
295 Johnson said D-6 Pedestrian Connection Plan also shows the primary paths going
296 through the interior as well around the clubhouse and pool. Mr. Faris said that was
297 correct and that he considered those to be primary paths as well on that plan. He said that
298 C2 and C3 indicate the widths of the paths, and he pointed them out.
299

300 Mr. Johnson asked whether the paths are walking paths or multi-use paths. Mr. Faris
301 said they are multi-use paths.
302

303 Mr. Johnson asked whether the school area was included as part of the open space. Mr.
304 Faris and Mr. Thomas said that was correct. Mr. Johnson said the building and parking
305 lots are to be excluded from the open space calculations. Mr. Thomas said per the
306 zoning resolution, all public facilities including open space can be counted as open
307 space.
308

309 Mr. Johnson read from the zoning resolution indicating that the required amount of open
310 space in R-1 R-2, R-3 and R-4 is 20%. "When calculating open space, the areas of fee-
311 simple lots conveyed to homeowners should not be included. Unbuildable areas such as
312 jurisdictional wetlands, flood plains, slopes greater than 20%, utility rights-of-way, and
313 existing bodies of water can count up to 50% of the required open space. That portion of
314 land dedicated to public purpose that remains either open and unbuilt upon by any
315 structure including parking, or which houses a recreational facility approved by the
316 zoning commission on the development plan, may count towards the open space."
317

318 Mr. Johnson said per the zoning resolution, he did not believe the school property would
319 count as part of the open space. Mr. Thomas quipped that there is a gym inside the
320 school. Mr. Faris stated that even if the property was removed from the plan, it would be
321 well below the requirements. Mr. Johnson said it would be best to update the
322 information to show accurate calculations. The clubhouse and pool would count because
323 it was an approved amenity, but the school building and the parking areas would not be
324 considered open space.
325

326 Mr. Johnson said the BZC has often requested side load garages to break up the sea of
327 garage doors and the accompanying uniformity, and he would prefer that a minimum of
328 25% of the homes have side load garages, which is what is typically requested.
329

330 Mr. Armstrong said one pond is particularly close to the school and he was wanted to
331 make sure it was isolated from the school. He also asked what the setback of the ponds
332 along North Road were from the right-of-way. Mr. Faris said the minimum setback from
333 North Road would be 25' to the impoundment, which is per county regulations. All
334 ponds would be built to county standards, which require a 4:1 slope as well as a flat

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335 safety shelf of 10'. Mr. Armstrong asked whether there would be a fence or barricade.
336 Mr. Faris said he did not plan to do that. Mr. Thomas suggested that it be decided by
337 Mr. Runyon or Mr. Raiff. Mr. Armstrong said he did not like it open due to safety
338 reasons.

339
340 Mr. Loveless asked whether there was a fence around the pond at Glenn and Gregory
341 Roads. Mr. Thomas said there was not. Mr. Johnson said there is a fence around the
342 pond at Cheshire elementary school. Mr. Thomas said there is not a fence around the
343 part of the pond that borders Glenmead Drive, and his company has never been required
344 to put a fence around a pond in Delaware County as it is not aesthetically pleasing. Mr.
345 Thomas said he builds all ponds to safe standards, and there are no ponds that are built to
346 be unsafe.

347
348 Mr. Raiff said the playground would likely be located to the south with the green space,
349 so there should not be children in that area while school was in session. The Cheshire
350 site does not have a pond fence but there is a 3-rail white fence at the western edge of the
351 parking lot before it goes into the pond.

352
353 Mr. Raiff said the large retention pond at Berlin high school does have a fence around it
354 because it is at the end of the stadium. Mr. Faris said there is an elementary school in
355 Liberty Township along Sawmill Road that has a pond. Mr. Raiff said that is set back
356 more than the subject pond.

357
358 Mr. Raiff said density has been a major discussion point and it includes the 52 additional
359 home sites. Per the district's calculation of .8 students per singles family home, that
360 would result in around 41.6 additional students. Divided by 12 grade levels that would
361 be around 3.4 students per grade level. It is far more important to OLSD to obtain this
362 school site in this key location than to worry about the additional children those 52
363 homes would generate.

364
365 Mr. Raiff said OLSD is in a huge time crunch from when the tax issue is passed to when
366 the sewer is installed and construction starts, so it is open for the 2021-22 school year.

367

368

Public Comment

369

370 Joe Korleski said everything has been discussed, but there is still a problem with the
371 density. Low densities is what has made Berlin Township what it is, and if the density is
372 given away, "forget about it."

373

374

Commission Consideration (continued)

375

376 Mr. Thomas said Metro Development is providing a number of bonuses for the township
377 and county as a whole, as well as for OLSD. He said the "density giveaway" should be
378 considered as an equitable trade or compromise with a developer of this nature who has
379 been willing to work with Berlin Township throughout this process. He felt he has
380 answered those questions thoroughly. The BZC has the ability to look at each application
381 separately, and each application does not necessarily set a precedent based upon density
382 alone.

383

384 Mr. Thomas said in order to have all 80-100' lots, the North Road improvements, the
385 sewer provided for the entire area, the soccer fields, courts, baseball fields, clubhouse,
386 tot lots, parking lot, etc. would all be removed from this application. He said he came
387 back with a better plan, as requested by the BZC. His company has a good reputation in
388 Delaware County for building what they say they will build.

389

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390 Mr. Raiff said there has been much work done between OLSD, Evans Farm and Metro
391 Development and Delaware County to get the agreements in place for North Road and
392 the sewer. The sewer is vital to many things happening in a positive manner in that area.
393

394 Mr. Raiff said he loves Evans Farm and he thinks it will be great for the community, and
395 OLSD did a tax deal with them and the county to build infrastructure, but he was told
396 there would be commercial property under roof in November 2017. However, there has
397 been no dirt moved on that commercial property yet.
398

399 Mr. Johnson said Metro Development has been before the BZC in the past, and density
400 has always been a unique and important staple that the residents of Berlin Township
401 have defined as what they want their community to be. He appreciates the flexibility and
402 ingenuity that Metro Development has put into place, but he cautioned the statements
403 that this development will stand alone and won't be referenced by developers in the
404 future. The same thing was said about Evans Farm, but there are 40 references to Evans
405 Farm in the subject application. The precedent that is set comes back to bite the BZC
406 every time.

407 Mr. Johnson said the BZC is in a difficult and challenging position, trying to
408 acknowledge that each application should stand on its own, but it also has to be balanced
409 to the public interest of what the residents of Berlin Township have requested, which is
410 the lower density of 1.85 units/net developable acre. He understands the developer has a
411 financial responsibility to make a viable project. He would like to find a way to get
412 closer to the lower densities. He heard the developer state that if the BZC does not
413 approve this application with just 9% of the lots being 80' wide, all amenities would be
414 removed from the plan, and that is extreme. He believes there is some movement that
415 can be done to maintain the financial viability of the project. He realizes that 1.85 is
416 probably too low, but there must be a way to break up to the look of it and get to at least
417 20-25% side load garages.
418

419 Mr. Thomas said when this process was started, this room was full of residents, but very
420 few are in attendance at this meeting, so township residents are speaking with their
421 actions. Mr. Johnson said the large number of meetings (8) has worn the residents down.
422 Mr. Thomas said the density was not the major problem for the residents.
423

424 Ms. Korleski said she appreciated the fact that the developer will be putting in the sewer
425 and she said it will open up a lot of development along Route 23, but it is currently at a
426 standstill. Mr. Thomas said the sewer will be taken north of the Speedway and other
427 commercial developers will take it up and down Route 23.
428

Planned Commercial

429
430
431 Mr. Faris said the PCD application has not changed much except for a change in the curb
432 cut location, the center of the site was able to be expanded, and the plan indicates that
433 two lots could be combined now.
434

435 Mr. Faris said divergences are still being requested from the requirement of a 6' mound
436 or hedge that blocks the view of retail centers. There will be 3' tall mound that will block
437 headlights, which is typical.
438

439 Mr. Faris said the same architectural standards have remained including roof pitches, all
440 natural materials, administration, etc.
441

442 Mr. Faris said he has requested a divergence from the 1 year preliminary development
443 plan period to 5 years because it will take time to develop this. He would come back
444 each year to provide an update and keep the BZC informed. His experience is that it
445 takes a while for the commercial to take hold as the rooftops need to be built first. In

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446 Golf Village there are 2,000-3,000 houses, but Kroger has still not built on the site they
447 purchased there 5-10 years ago.

448
449 Mr. Faris said a divergence in use has been requested to allow NAICS code 493, which
450 allows warehouse and storage. Flex-type office is important in these kinds of
451 developments, which could allow uses such as an electrician or plumber to run their
452 operation out of and also store their products and vehicles in the back.

453
454 Mr. Faris said a divergence is being requested to allow 532, which allows a certain
455 amount of rental and leasing services; this would open it up to a broad range of uses
456 without having to request a modification.

457
458 Mr. Faris said a divergence was being requested to establish the building setback at a
459 minimum of 50' although it could end up being more. He committed to staggered
460 growth evergreen trees 12' on center, and it will be screened in perpetuity.

461
462 Ms. Kaplan said a pathway is shown as going through the north parcel. She asked
463 whether there would be any other specified use. Mr. Faris said, "no" and that is the
464 power line easement. The square shown is the tower.

465
466 Ms. Korleski asked about the industrial part of the development. Mr. Faris said that was
467 omitted from this plan. Ms. Korleski asked what part of the property was being
468 converted from PID. Mr. Faris said it is remaining as the existing PID and he is not
469 touching that. Mr. Thomas said it was only 16 acres and the PID was withdrawn.

470
471 Ms. Korleski asked whether the two pieces of property on the west side of North Road
472 have always been commercial. Mr. Faris said they were, but the roadway was moved
473 and that changed things.

474
475 Ms. Korleski confirmed that there are two entrances off of Peachblow Road and two off
476 of North Road.

477
478 Ms. Korleski asked whether all of the NAICS codes are proposed to be used. Mr. Faris
479 said many were removed per the BZC's request. Ms. Korleski asked about 493 and 532.
480 Mr. Faris said they are industrial codes and that 493 would be a divergence because it
481 was not included in the zoning resolution in that section.

482
483 Ms. Korleski said the community green and corner park gathering place were removed
484 when the PID was eliminated from the application. Mr. Faris said the corner park area
485 remains below the power line, and community green was removed, but he still wants to
486 connect the pedestrian pathway to come up to the building. There will also be
487 crosswalks at the roundabout.

488
489 Mr. Johnson asked whether that was only up by the roundabout or whether there were
490 other ways to get there. Mr. Faris said he suspected the intersection will be improved by
491 a stop control, a roundabout or a signal. Mr. Johnson was concerned about how residents
492 would get to the access.

493
494 Mr. Armstrong said he could not support this application. The request for five years to
495 complete the final development plan is far too long. He noted that this is not a planned
496 commercial development, but a general commercial district, as it is opened up to many
497 additional uses.

498
499 Mr. Thomas said that many of the uses were restricted in the PCD per the BZC's request.
500 He asked which reference was not reasonable. Mr. Armstrong said this is a planned
501 district, which means there are specific codes and uses indicated in the plan. He knows
502 the developer does not have a user yet, but he will not approve carte blanche uses

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503 because that is not the design of planned commercial. Mr. Thomas said he wants to
504 ensure the appropriate uses can be implemented. Mr. Faris said each one has to come
505 back for final development plan approval, and this sets up the zoning so those uses can
506 happen. Mr. Armstrong said that actually, the final development plan includes approval
507 of the building, not the use, which is set by the zoning.
508

509 Mr. Johnson said at this point, there will be no known user, and he asked whether there
510 would only be the number of codes equivalent to the number of buildings. Typically, the
511 BZC has requested that the codes that are not applicable to the development are removed
512 from the list. Mr. Faris said the big buildings could have 10-15 tenants and after their
513 lease is up, the use could change.
514

515 Mr. Armstrong said that would be a general business district. Mr. Faris said there would
516 be no control. Mr. Armstrong said that is what he is requesting. Mr. Faris said he
517 disagreed, and has provided text, architectural standards, landscaping, setbacks, etc. in
518 the plan.
519

520 Mr. Thomas said he could commit to 20% of the homes having side load garages. Mr.
521 Valentine said the garage doors are not very creative and there is a lot that could be done
522 with those such as decorative garage doors. Mr. Thomas agreed to have architectural
523 garage doors instead of standard garage doors and said he would put a standard in the
524 final development plan.
525

526 Mr. Johnson asked whether it would be 20% side load garages for the entire
527 development or just the 80' wide lots. Ms. Korleski said it would be 20% of the 62' and
528 80' would have side load garages. Mr. Thomas said it would be 20% of all lots. Mr.
529 Valentine said that would be 66 homes with side load garages.
530

531 Mr. Valentine said the preliminary development plan period for the PCD would be three
532 years, not five as requested. Mr. Thomas said it would be one year for the residential
533 development. Mr. Johnson said annual updates would be provided.

534 Mr. Armstrong asked whether the applications would be voted on together or separately.
535 Ms. Korleski said the two applications would be voted on together because if one goes
536 down, the other should too. Mr. Armstrong agreed.
537

538 Ms. Korleski said she would make an exhibit with these conditions on it for the applicant
539 to sign during the break. She said she would also include the endwalls and headwalls of
540 ponds being faced with stone. Mr. Thomas and Mr. Faris said that information was
541 already in the text. Ms. Korleski said she was aware of that.
542

543 There was a discussion regarding the NAICS codes. Mr. Loveless suggested, "to be
544 determined in the final development plan."
545

546 Ms. Kaplan said for the Germann application, the BZC reviewed the codes together and
547 removed some and they had some latitude. She said there may be some commercial uses
548 going in at Evans Farm that have not been nailed down. She agrees with what is trying
549 to be accomplished. She is relying on the final development plan, correctly she hoped.
550

551 Mr. Thomas said in the final development plan, the applicant will come back before the
552 BZC to review the architectural standards, the planned commercial district where the
553 setbacks are, the landscaping details, the parking lot details, etc.
554

555 There was a brief recess. Hearing was returned to session.
556
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558

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**RESOLUTION 2019.09.10 #A: MOTION TO
RECOMMEND APPROVAL OF BZC 19-001 & 19-002**

561 Ms. Korleski made a motion to recommend approval of BZC 19-001 and BZC 19-002 to
562 the trustees with the conditions indicated on Exhibit 1:

- 563 • 20% of the 336 units will have side load garages.
- 564 • All garage doors will have an architectural design.
- 565 • The PCD preliminary plan approval is extended to 3 years, and annual updates
566 regarding the project's status will be provided by the applicant.
- 567 • The NAICS codes for the Planned Commercial District will be provided in the
568 final development plan.
- 569 • The headwalls and endwalls of ponds will be stone faced.
- 570 • All ponds will have fountains.

571 Mr. Valentine seconded the motion.
572 Vote: Korleski, yes; Valentine, yes; Kaplan, yes; Armstrong, no; Johnson, yes.
573

574 CLUP Survey
575 Mr. Johnson said the CLUP survey results were sent to Ms. Rippel last week with a
576 couple of minor edits. It was agreed that the results would be posted on the website.
577

578 Special Meeting
579 There was a discussion about the procedure for moving the special meeting scheduled
580 for 9/18/19 at 7:00 pm. It was agreed that the meeting would be called to order at the
581 Berlin Township Hall and then tabled and continued to Gracepoint Church at 7:15p.m.
582 that night.

583
584 Ms. Rippel said the public would ask questions and they would be answered. She said
585 Mr. Armstrong suggested a line be formed for speakers. Mr. Valentine said some clarity
586 is needed so the public knows that nothing has been decided and it is a preliminary idea.
587

588 Mr. Armstrong said he will be first on the agenda to show a slide of what is being
589 planned. Ms. Rippel said most of the calls she has taken have been from people who did
590 not have time to ask their questions at the last meeting. Mr. Valentine said they were
591 also not sure of what questions to ask because it wasn't clear that the plan is just
592 preliminary and that the BZC was requesting input so it could be refined.
593

594 Ms. Knapp said she could not hear very well at the last meeting well due to the acoustics
595 of the Berlin high school auditorium.

596
597 There was no further business to come before the Commission. Motion to adjourn.
598 Meeting adjourned.
599

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Toni Korleski, Chairperson

Jerry Valentine, Vice-Chairperson

Darcy Kaplan, member

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Mike Bardash, member

Martin Johnson, member

Steve Flaherty, 1st alternate member

Ray Armstrong, 2nd alternate member

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