

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

REGULAR MEETING

TUESDAY, OCTOBER 22, 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, Mike Bardash.

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

13 Not present: Steve Flaherty, 1st BZC alternate member; Ray Armstrong, 2nd BZC
14 alternate member.

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

17 **AGENDA ITEM: LEGAL NOTICE**

18 Ms. Knapp said this meeting was advertised as a regular meeting at the beginning of the
19 year, and the hearings were each tabled to this evening.

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

- 21 • Marti Davis, 1950 Lackey Old State Road
22 • Dan Griffin, with Evans Farm, 1550 Lewis Center Road
23 • Tony Eyerman, with Evans Farm, 1550 Lewis Center Road
24 • Barb Sherman, 1469 Africa Road
25 • 3 members of Porshi development
26 • Molly Gwinn, on behalf of Valerie Rowe

27 **AGENDA ITEM: BZC 19-006**

28
29 *BZC 19-006, filed by Valerie Rowe, Trustee, requesting approval of a preliminary*
30 *development plan to rezone 2591 Cheshire Road, Delaware, OH 43015 from Farm*
31 *Residential District (FR-1) to R-3 Planned Residential District (R-3/PRD), 22.129 ±*
32 *acres, 30 single family lot subdivision that will be part of Piatt Preserve West.*
33

34 Ms. Gwinn requested a tabling of this hearing. She said that based upon the feedback
35 received about a related property and feedback from the BZC regarding some of the
36 issues with the prior presentation, the engineers are reworking the plans to comply with
37 those requests. The plan will be revised to make sure it fits in with all other applicable
38 projects pending this developer. She has spoken with Ms. Rippel, who has indicated that
39 1/14/20 is available for the hearing.
40

41 **RESOLUTION 2019.10.22 #A: TABLE BZC 19-006 TO 1/14/20 AT 7:00 PM**

42
43 Ms. Korleski made a motion to table BZC 19-006 to January 14, 2020 at 7:00 PM at
44 Berlin Township Hall. Mr. Valentine seconded the motion.

45 Vote: Korleski, yes; Valentine, yes; Kaplan, yes; Johnson, yes; Bardash, yes.

46 Motion carried.
47

48 **AGENDA ITEM: BZC 19-007**

49
50 *BZC 19-007, filed by Brooke Ann Martin, Trustee, c/o Evans Farm Land Development*
51 *Company. The applicant is requesting approval of a preliminary development plan to*
52 *rezone 2174 Peachblow Road, Lewis Center, Ohio 43035 from Farm Residential District*

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53 *to R-3 Planned Residential District, 42.76 ± acres, for a 72 single family lot subdivision*
54 *known as Ross Estates.*

55

56 Dan Griffin and Tony Eyerman, of Evans Farm, presented the application and answered
57 questions.

58

59 Ms. Korleski said the acreage has changed from the original legal application and legal
60 notice. Mr. Eyerman said the gross acreage is now 41.086.

61

62 Ms. Korleski said she had an Exhibit A to enter into the record, a letter from Mr.
63 Eyerman as follows:

64

65 *“I, Tony Eyerman, agree that Darcy Kaplan can sit as a fifth member to be seated on the*
66 *commission on October 22nd, 2019 BZC meeting to hear the application of Ross Estates*
67 *and replace Steve Flaherty, the original member, to hear the application.”*

68

69 Mr. Griffin said the Congress for New Urbanism is gathering at Evans Farm this
70 Saturday from noon to 3:00 PM with around 60-70 meeting attendees. There will be a
71 walkaround and discussions with the townships and meeting attendees. Discussed will be
72 the vision of Evans Farm and the commercial are getting ready to start. Also, part of the
73 Ohio State game will be watched in the Bob Webb show home. He said on Sunday, a
74 fall festival is being held with the people decorating their porches. He invited the BZC
75 to attend.

76

77 Mr. Eyerman apologized for asking that the hearing at the last meeting be tabled, but he
78 wanted to make sure everything was lined up. The subject property is owned by Mrs.
79 Ross’ estate, and Brooke Martin is her daughter and the executrix of their estate. He has
80 been working with her to rezone this property. Evans Farm is partnering with Ms.
81 Martin; some have said it is part of Evans Farm, while others would vary from that, but it
82 is what it is and one can interpret it as they like.

83

84 Mr. Eyerman said the site is located on the southwest corner of Piatt Road and
85 Peachblow Road. Piatt Road is the east boundary, the railroad tracks is the west
86 boundary, Peachblow Road is to the north, and Evans Farm is to the south. On the other
87 side of the tracks, Evans Farm is to the west as well. Ms. Martin liked Oldfield Estates
88 located to the east on the other side of Piatt Road, and that was one of the driving factors
89 for what is being requested in this application.

90

91 Mr. Eyerman said he worked with Mr. Loveless to pull the architectural standards from
92 Oldfield Estates, which weren’t very lengthy so he supplemented them with information
93 about materials, roof pitches, etc. Lot sizes are similar in size, he said, and there is a
94 divergence requested for setbacks to match those in Oldfield Estates. If that is
95 something the BZC does not care for, they can go back to the standard, but this allows
96 for deeper rear yards while still allowing for two cars parked outside the right-of-way in
97 front of the garage without impacting sidewalks, and it would not require on-street
98 parking.

99

100 Mr. Griffin said he tried to listen very well at the last meeting and tried to address those
101 issues as best he could. He has proposed on page 10 of the text a minimum of 25% side
102 load garages. He has added quite a length of trails that goes through the open space and
103 connect all the various open spaces. The trail goes around the lake and connects to
104 everything

105

106 Mr. Eyerman said he cut back on Mrs. Ross’ homestead and the lot size to create open
107 space on either side, which was added to the open space for the overall community. Mr.
108 Griffin said it has been taken out of the calculations. Mr. Eyerman said the fishing dock

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109 was also removed from the calculations and he has added a play area in that same area
110 that connects between Evans Farm to the south and the community to the north.

111
112 Mr. Eyerman said at the township's request, the emergency access to Peachblow Road
113 has been maintained, and his engineers have worked with the county engineer to remove
114 the access from Peachblow Road to the community, although it is premature to get
115 anything in writing. The county engineer has provided comments that state they prefer
116 exactly what the township requested, in making the second entrance to the south, with
117 this aligning with Oldfield Estates.

118
119 Mr. Eyerman said the text for the divergences has always been included in the plan, and
120 he has added lot numbers, sizes and dimensions to the plan as well.

121 Mr. Eyerman said he tried to address as much as possible. Regarding the density issues,
122 the plan is still very much in a position of what Scott Sanders, director of the Delaware
123 County Regional Planning Commission had stated at a public meeting, which is, "If
124 there is a site for a little bit higher density than what's required or dictated..."

125
126 Ms. Korleski said DCRPC actually stated they wanted to keep the density at 1.85
127 units/net developable acre. Mr. Eyerman said the text stated that, but at the meeting and
128 publicly, Mr. Sanders said, "if there is a site that warrants a higher density, that this
129 would be it."

130
131 Ms. Korleski said the plan is four units off of the permitted density. Net developable
132 acreage is 35.58 acres, which allows for 65-66 units. Mr. Eyerman said the open space
133 increased to 32%; just 20% is required. Ms. Korleski asked whether Ross Estates would
134 remain FR-1. Mr. Griffin said it was requested to be removed from the calculations and
135 it was. He is a real estate lawyer so he called up to the county about the transfer. What
136 nobody wants to do is create a non-conforming lot, so he left it in here so it is the 72nd
137 lot, but it can never change from Ross Estates and it must stay where it is.

138
139 Ms. Korleski asked what would happen if they got rid of the house; would it be R-3?
140 Mr. Griffin said he is not getting rid of the house. Ms. Korleski said she knows he is not,
141 but the future is not known. Mr. Griffin said Evans Farm owns the lot, and his people
142 live there. When this is finalized, his worker Terry will stay there with his family. He
143 said, "We have made sure that this can't...I think the whole idea was that the township
144 wants to makes sure you could have the acreage so it couldn't be split up one day into 2-
145 3 lots." Mr. Griffin said he accomplished that by leaving it in as a lot by itself so it
146 doesn't form a non-conforming lot later. It will be tapped into sewer, etc.

147
148 Ms. Korleski asked whether the applicant would put a bike path along Peachblow Road,
149 as that is a pretty long road. Mr. Eyerman said the CLUP recommends it along Piatt
150 Road. Mr. Griffin said he is bringing it all the way from south to Orange along Piatt
151 Road. Ms. Korleski said she knows about that one already; she is referencing the trail
152 from Peachblow Road to the railroad tracks. Mr. Eyerman said "no, we are just putting
153 the mulch trail" and that is a walking trail, not a bike trail.

154
155 Mr. Eyerman said the trail along Piatt Road connects to the Evans Farm trail, which runs
156 all the way through Orange Township and all the way to the city of Columbus. Ms.
157 Korleski asked Mr. Loveless if that was a township road. Mr. Loveless said it was. Ms.
158 Korleski said the township could request a bike trail along that road and she asked
159 whether that was possible. Mr. Eyerman said his theory on bike trails is that they
160 "shouldn't connect to nothing." He pointed out an area of farmland, and he asked
161 whether Berlin Meadows has bike trails across that frontage.

162 Mr. Loveless said that is in the commercial area and he didn't think there was a bike trail
163 planned through there. Mr. Griffin said he was concerned about taking a bike trail to the
164 railroad tracks and it couldn't go anywhere. He hoped that when Piatt Road is re-done
165 that the township would require the developer to install a bike trail to connect.

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166 Ms. Kaplan asked whether that lot would remain FR-1 or whether it will be R-3. Mr.
167 Griffin said it changes to R-3 in the plan, so that it cannot be subdivided. Ms. Kaplan
168 said 71 new single family homes is higher than what the zoning resolution permits for
169 this district. She especially likes the trails and the playset. She especially like the trails
170 that run around the pond because it makes that area more usable. She asked how far the
171 playset was from the pond. Mr. Eyerman said it will most likely need to be fenced off
172 due to safety. Mr. Griffin said when ponds are built, a 10' flat shelf area is built into the
173 ponds for safety.

174

175 Ms. Kaplan asked whether all three would be retention ponds, meaning they will always
176 have water in them. Mr. Eyerman said that was correct. He has been speaking with the
177 resident on the southeast corner regarding her issues with storm water in her basement
178 and foundation and that will help her tremendously.

179

180 Mr. Valentine says it looks reasonable, and he thanked the developer for the changes that
181 were made.

182

183 Mr. Johnson asked what the county engineer said about the temporary entrance. Mr.
184 Eyerman said everybody is in support of the emergency access, and it was requested by
185 the fire department.

186

187 Mr. Johnson said regarding the density, he appreciated the fact that the applicant took the
188 BZC's input and came back with revisions. He said he didn't know if anybody in that
189 area has met regulation on the density. He wasn't too worried about the five additional
190 lots, especially with the willingness of the developer to extend bike trails and install
191 walking paths.

192

193 Mr. Johnson asked if the developer would be willing to add a secondary play area in the
194 northern area for the use of the residents in that area. Mr. Griffin said he would be
195 willing to do that.

196

197 Mr. Bardash asked whether the ponds have fountains. Mr. Griffin said they do. Mr.
198 Bardash said he did not see that in the text. Mr. Griffin said he always installs fountains
199 for the aeration of the ponds.

200

201 Mr. Bardash said he appreciates the walking paths, and the density is not an issue for
202 him, based upon the surrounding area.

203 Ms. Korleski said she would like to have all the divergences written on the plat.

204

205 Ms. Korleski asked whether the endwalls and headwalls of ponds would be faced with
206 stone. Mr. Griffin said they would.

207

208 Ms. Korleski said the text indicates that a minimum of 25% of the units will have side
209 load garages. She asked that it be written on the plat as well because the trustees would
210 like to see the divergences and conditions there.

211

212 Ms. Korleski said the street trees are to be located outside of the right-of-way and in the
213 yards. Mr. Eyerman said he would make sure they were yard trees and not street trees.

214 Ms. Korleski said the applicant has committed to building a second play area near the
215 north end of the development.

216

217 Ms. Korleski said there will be fencing around both ponds that have play areas. Mr.
218 Eyerman said there would be fencing around the play areas that are near ponds.

219

220 Mr. Loveless asked what the walking paths would be made of. Mr. Eyerman said they
221 would be made of wood chips in order to help prevent bikes from using the trails.

222 Mr. Griffin said the timeline to start development would be late next fall at the earliest.

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223 An audience member with Porshi Development asked what the density was. Mr.
224 Valentine said it was 1.99 units/net developable acreage instead of the required 1.85
225 units/net developable acreage. The audience member asked more questions about the
226 density. Mr. Griffin said when he did Evans Farm, he received a higher density because
227 there are multiple lot sizes. There has been density from 2.3 to 2.6 units/acre recently.
228 In this case, they tried to reduce it to 1.85 but it was not possible due to the cost of the
229 street pattern. However, he tried to get it to 1.85 because of the transition area into the
230 bigger lots and the farms, and maintain the Ross Estate, and to maintain some rural
231 character. He said he always provides more green space than the 20% required. The
232 overall Evans Farm development provides 35% open space.

233
234 The audience member asked what the highest density is. Mr. Valentine said it is 1.85/net
235 developable acre per the zoning resolution. Ms. Korleski said if an applicant wants to
236 change that, they must request a divergence.

237
238 Mr. Johnson said density is a hot button issue, and the BZC tends to very carefully
239 consider that. The request should come in at what the regulation requires. However,
240 sometimes there are unique features that could allow for some divergence from the
241 requirements. The BZC tries to accommodate when reasonable, especially when the
242 developer provides additional amenities that try to create a sense of community in the
243 development, not just trying to squeeze in as many houses as possible. Ms. Korleski said
244 in this case, the walking trails and the two play areas are amenities that are appreciated.
245 Mr. Johnson said in the smaller developments, a slightly higher density doesn't have the
246 same impact as it would in a larger development. The BZC tries to balance between the
247 regulations and the culture/ambience of Berlin Township.

248 **RESOLUTION 2019.10.22 #B: RECOMMEND APPROVAL OF BZC 19-007 TO TRUSTEES**

249
250 Ms. Korleski made a motion to send a recommendation of approval of application 19-
251 007 to the trustees, with the conditions and divergences as discussed. Mr. Bardash
252 seconded the motion.

253
254 Mr. Valentine asked whether the fire department was involved in the turning radii. Mr.
255 Eyerman said that is the county's standard for cul-de-sacs. He did not specifically ask
256 the fire department to review the plan. Mr. Loveless said the fire department doesn't like
257 islands. Mr. Eyerman said the island will be removed. Mr. Valentine said he would like
258 to make sure the fire department approves the turning radii. Ms. Korleski said that will
259 be added to the conditions.

260
261 Vote: Korleski, yes; Bardash, yes; Valentine, yes; Johnson, yes; Kaplan, yes.
262 Motion carried.

263
264 There was a brief recess to write the conditions on the plat.
265 Meeting was returned to session.

266 **AGENDA ITEM; OTHER BUSINESS**

267 David Neiderhiser, 6690 Canaan Circle, Dublin. Mr. Neiderhiser said he is planning a
268 development in Berlin Township, but he has questions about the easement. There is an
269 electrical easement that comes through the corner of the property at the railroad. He
270 knows the township is leaning towards houses there, and he wanted to know whether a
271 mixed use would be considered. It is a tough corner to develop, and he wanted to get
272 input on what the BZC's plans are for the Cheshire Road/Piatt Road area, and the bike
273 paths.

274
275 Mr. Neiderhiser said this is the property north of the temple and south of Cheshire Road.
276 Mr. Loveless said an overpass is planned over the railroad tracks at Cheshire Road. Mr.

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277 Johnson said Gregory Road will be terminated north of Cheshire Road and will be
278 blocked.
279
280 Mr. Loveless said it will be similar to the overpass at Home Road, where there is a dirt
281 mound and it flares out, so it will take some of the area along Cheshire Road. Mr.
282 Neiderhiser asked if that is where the house is and whether it will flare in to the east of
283 that house. Mr. Loveless said plans have not been drawn up yet. Ms. Korleski
284 suggested they contact the county engineer's office.
285
286 Ms. Korleski asked whether they were planning to build residential or commercial. Mr.
287 Neiderhiser, said he wants to know what the BZC wants in that area; he has come to the
288 realization they want just houses. He wanted to know if they would consider a mixed
289 use in that area or whether that would all be to the east of that. Ms. Korleski asked how
290 many acres the property is. Mr. Neiderhiser said it is around 62 acres, including the
291 easement parts and it is FR-1. Mr. Bardash said the CLUP indicates the density is 1.85.
292
293 Ms. Rippel said there had been a plan by John Wicks that was going to be single family,
294 condos, a strip mall, and storage units under the powerline. She cannot find the plan.
295 Mr. Valentine said condos would be a change from residential, which has dominated this
296 area. Across the tracks there is Glen Ross, which is all residential, with some condos in
297 the middle.
298
299 Mr. Neiderhiser said he was considering quad-type condos. Ms. Korleski said he should
300 possibly consider the TPUD zoning as it is up against the railroad tracks. Ms. Rippel said
301 across the street from the subject property is Westport Homes and the Valerie Rowe
302 development. There was additional discussion.
303
304 Ms. Korleski said the next BZC meeting will be a special meeting on Tuesday 10/29/19
305 at 7:00 PM at the Berlin Township Hall. The next regularly scheduled BZC meeting is
306 Thursday 11/14/19 at 7:00 PM. She said that meeting may be canceled if there are no
307 applications.
308
309 There was no further business to come before the Commission. Motion to adjourn.
310 Meeting adjourned.
311
312
313
314 _____
Toni Korleski, Chairperson
315
316
317
318 _____
Jerry Valentine, Vice-Chairperson
319
320
321
322 _____
Darcy Kaplan, member
323
324
325
326 _____
Mike Bardash, member
327
328
329
330 _____
Martin Johnson, member
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333

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Steve Flaherty, 1st alternate member

Ray Armstrong, 2nd alternate member

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