

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

REGULAR MEETING

TUESDAY, NOVEMBER 26, 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 Jerry Valentine 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: Steve Flaherty, 1st BZC alternate member; Zoning Inspector David
12 Loveless; Zoning Clerk Lisa Knapp; Zoning Secretary Cathy Rippel.

13 Not present: Ray Armstrong, 2nd 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. Korleski made a motion to approve the 09/04/19 BZC minutes as presented. Mr.
18 Valentine seconded the motion.

19 Vote: Korleski, yes; Valentine, yes; Kaplan, yes; Johnson, yes; Bardash, yes.
20 Motion carried.

21
22 Ms. Korleski made a motion to approve the 09/18/19 BZC minutes as presented. Mr.
23 Johnson seconded the motion.

24 Vote: Korleski, yes; Johnson, yes; Bardash, yes; Valentine, yes; Kaplan, yes.
25 Motion carried.

26
27 Ms. Korleski made a motion to approve the 10/03/19 BZC minutes as presented. Mr.
28 Valentine seconded the motion.

29 Vote: Korleski, yes; Valentine, yes; Kaplan, yes; Bardash, yes; Johnson, yes.
30 Motion carried.

31
32 Ms. Korleski made a motion to approve the 10/08/19 BZC minutes as presented. Mr.
33 Valentine seconded the motion.

34 Vote: Korleski, yes; Bardash, yes; Valentine, yes; Kaplan, yes; Johnson, yes.
35 Motion carried.

36 **AGENDA ITEM: LEGAL NOTICE**

37 Ms. Knapp said this hearing was advertised in the November 14, 2019 Delaware Gazette,
38 as follows:

39 Berlin Township Zoning Commission Notice of Public Hearing

40 The Berlin Township Zoning Commission will hold a public hearing November 26, 2019
41 at 7:00 p.m. at the Berlin Township Hall located at 3271 Cheshire Road, Delaware, OH
42 43015. In order to consider an application designated as BZC 19-009, filed by D.R.
43 Horton – Indiana, LLC, dba Westport Homes, c/o Molly R, Gwin, 2 Miranova Place, Ste.
44 700, Columbus, OH 43215. The applicant is requesting an approval of a final
45 development plan known as Piatt Preserve East West, Parcel's #41832001010000;
46 41832001088000; 41832001006001; that have been rezoned from Farm Residential
47 District (FR-1) to R-3 Planned Residential District (R-3/PRD) & Parcel
48 #41831001041001 rezoned from Farm Residential District (FR-1) to R-2 Planned
49 Residential District (R-2/PRD), total 76.4 ± acres, 2747 Gregory Road, Delaware, OH,
50 43015. Also, any other business that comes before the commission.
51

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52 The text and map of this application will be available for public examination, excluding
53 legal holidays November 13 to November 26, 2019, Monday-Friday from 9:00 am-3:00
54 pm at the Berlin Township Zoning Office located at 3271 Cheshire Rd., Delaware, OH
55 43015. Also, you can find the text and map on the Berlin Township
56 website www.berlintwp.us. Questions concerning this matter should be directed to David
57 Loveless, Zoning Inspector at 740-548-5217 x103. The person responsible for giving
58 notice of the public meeting by publication is Cathy Rippel. Township residents are
59 encouraged to attend.

60 BZC Chairman Toni Korleski

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

- 62 • Larry Harmon, 3931 Africa Road
- 63 • Mike Hubbard, 2953 Gregory Road
- 64 • Valerie Rowe, 4688 Raccoon Run Road, Johnstown
- 65 • Terry Andrews, with Westport Homes, 507 Executive Campus Drive,
66 Westerville
- 67 • Molly Gwinn, attorney on behalf of Westport Homes, 2 Miranova Place, Suite
68 700

69 **AGENDA ITEM: BZC 19-009**

70
71 *D.R. Horton - Indiana, LLC, dba Westport Homes, c/o Molly R, Gwin, requesting the*
72 *approval of a final development plan known as Piatt Preserve East West, parcels that*
73 *have been rezoned from FR-1) to R-3/PRD, & from FR-1 to R-2 Planned Residential*
74 *District R-2/PRD, a total 76.4 ± acres.*
75

76 Attorney Molly Gwinn, 2 Miranova Place, Suite 700, representing Westport Homes,
77 presented the application and answered questions from the Commission. Ms. Gwinn
78 said that following approval from this body, this project was up for hearing with the
79 trustees on August 28, 2019. She did not plan to review the information that has already
80 been presented, but she would present the changes that were made at the trustee level,
81 and what changes were now incorporated into the plans that have been provided.
82

83 Ms. Gwinn said Westport Homes had previously committed to 20% side load garages for
84 this development. An additional commitment was made in the zoning text that all of the
85 garages will have architectural-style garage doors, which will add value and visual
86 interest to the homes.
87

88 Ms. Gwinn said the turnover date from the developer to the homeowners association will
89 occur at the 90% turnover of lots from the developer to the subsequent owners, and that
90 change is reflected in the deed restrictions. There will be just one homeowners
91 association for the entirety of the development.
92

93 Ms. Gwinn said the developer has committed to a 10' walkable flat space within the
94 common areas around each of the pond.
95

96 Ms. Gwinn said all of the homes will be constructed with full natural exterior materials.
97 The zoning text defines natural materials as wood, natural and manufactured stone,
98 stucco, natural or engineered wood siding, and cementitious siding with painted or
99 stained finish.
100

101 Ms. Gwinn said sidewalks shall be located along both sides of the street along all interior
102 streets per Delaware County standards. A sidewalk connection shall also be provided to
103 allow homes access to the open space.
104

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105 Ms. Gwinn said the text indicates that the applicant will work with the county engineer
106 to ensure safe crossing on Piatt Road for the tot lot that is reflected in Reserve K of Piatt
107 Preserve East, and the applicant has committed to that in the text as well.

108
109 Ms. Gwinn said there had been many questions regarding retention and drainage ponds.
110 To incorporate those better into the development and to make them more visually
111 appealing, she has committed to one fountain per pond located on the property. Also
112 committed to is stone facing and headwalls on drainage structures.

113
114 Ms. Gwinn said the development calls for cluster mailboxes and she has identified the
115 locations where the mailboxes will be placed. They will be placed in common areas
116 identified as Reserves B, I and E. They will be on the opposite side of the fire hydrants
117 and adjacent to the sidewalks.

118 Ms. Gwinn said if individual mailboxes are deemed permissible, all of the mailboxes
119 shall be uniform.

120
121 Ms. Gwinn said the applicant has committed to additional screening in the form of ten
122 additional deciduous trees and ten additional evergreen trees. Those will be for the
123 screening at Cheshire Road as well as Gregory Road, and those trees are reflected in the
124 plans in front of the BZC.

125
126 Ms. Gwinn said the only other significant change is that the applicant wishes to
127 potentially develop phases 1 and 2 simultaneously. Phase 1 consists of about 49 lots in
128 Piatt Preserve West, and Phase 2 consists of 22 lots in Piatt Preserve East on the east side
129 of the street. For purposes of clarification, the phasing plan was switched to reflect that,
130 and the applicant would like to develop those together.

131
132 Ms. Gwinn said the homeowners association will be responsible for the maintenance of
133 the multi-use path along Piatt Road and that has been committed to in the text.

134
135 Ms. Gwinn said that other than that, this is the same plan that was previously approved.
136 There are 104 total homes in an R-3 overlay on Piatt Preserve west and in an R-2 overlay
137 on Piatt Preserve East. The net density of 1.83 units/acre on Piatt Preserve West has not
138 changed and the CLUP (Comprehensive Land Use Plan) calls for 1.85 in this area. The
139 net density of Piatt Preserve East will have a total of 22 homes with a net density of 1.25
140 units/acre, which also meets the CLUP density in this area.

141
142 Commission Consideration

143
144 Ms. Korleski said she has a problem with the final development plan plat map, as the
145 changes have not been indicated on it. Ms. Gwinn said these items were incorporated as
146 Exhibit 11 and the divergences are listed in the zoning text. As to the plat map not
147 showing the ponds, she apologized for that but said they have been committed to in the
148 text and it may be amended if required by the BZC. Ms. Korleski said the plat map is
149 included in the final record and everything should be on the plat map and in the text.
150 That is one of the criteria of the final development plan. Ms. Gwinn said that it was an
151 oversight that walkable paths were not included around the pond, and the applicant is
152 prepared to commit to that.

153
154 Ms. Korleski said a 50' perimeter setback was requested for 1-6, 17-19, and 50-53. Ms.
155 Gwinn said those lots do meet the requirements of the 50' setback. She said she is not
156 here on the related application and that this is separate for final development plan
157 approval. There will be a 50' perimeter setback in those areas. She said that is reflected
158 in the plan.

159
160 Ms. Korleski said the plan indicates that an 8' asphalt multi-use path will be provide
161 along Piatt Road and she believes that is to be 10' wide. Ms. Gwinn said she believed

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162 the commitment for the trustees was 10' within the common areas and the multi-use
163 asphalt path was not affected and was to remain 8'.

164

165 Mr. Andrews said it makes more sense to be 10' on Piatt Road than in the common
166 areas. He agreed to commit to 10' wide asphalt path along Piatt Road.

167

168 Ms. Kaplan said she agreed that there should be consistency between what is written and
169 what is visually available, particularly on the final development plan. Other than that,
170 she is happy with the changes. She wondered whether one fountain was adequate for
171 some of the larger ponds, and she hoped that would be adjusted as needed. Ms. Gwinn
172 said there was a commitment in the text regarding aeration of the ponds. Ms. Kaplan
173 said she is not terribly uncomfortable with it and she thinks the applicant wants the
174 ponds to look nice and healthy.

175

176 Mr. Valentine said he appreciated all the changes that have been made. He said the 150'
177 electric easement seems to go through over half of the ponds. He asked whether that was
178 normal or an accident waiting to happen. He was concerned about work being done in
179 that area. Mr. Flaherty said they are raised power lines. Mr. Valentine was concerned
180 about the electric company digging in the easement. Mr. Flaherty said there would be a
181 working path to provide access. The electric company will access these high towers and
182 go along the wires above.

183

184 Mr. Andrews said that typically AEP's feedback is that they do not want just one
185 continuous pond through the easement, and they would want breaks. This plan meets
186 those requirements.

187

188 Ms. Korleski said footprints of the homes and driveways are not shown on the plan
189 including on which side of the homes they will be on. Ms. Gwinn said Tab 3 shows the
190 footprints with the standard home elevations. The plat map does not show the location
191 of the driveways but they would conform to the setback requirements within the text and
192 would be staggered so as to not create the same footprint for the driveway within the
193 same area, and those are reflected in Tab 2.

194

195 Mr. Andrews said the driveway locations are typically shown on the final engineering
196 because they do not know the exact house that will be built, and also what the high side
197 of the lot will be; that will all be determined in the final engineering.

198

199 Ms. Korleski asked about the additional landscaping coverage of Gregory and Cheshire
200 Roads. Ms. Gwinn said those are shown on the revised tree plan and landscaping plan in
201 Tab 6.

202

203 Mr. Johnson said regarding the T-shaped Rowe property, there had been an issue during
204 the preliminary plan that lots 50-53 located across Carrowmore Drive were included as
205 part of this plan but they were actually part of a different plan. He wanted to look ahead
206 and he asked when that parcel comes in, is the intent to put more lots along the open
207 space, or will that remain as open space?

207

208 Mr. Andrews said if that site was reexamined in the future, it would probably be
209 reconfigured, but it would meet the open space requirements. Mr. Johnson said the issue
210 was adding more lots. There was an issue during the preliminary plan review because it
211 was changing this plan. Mr. Andrews said the additional acreage would allow the open
212 space to be moved around and those lots removed. Mr. Johnson said he was less worried
213 about the open space than adding another 2-10 lots to this plan without prior approval.

214

215 Ms. Gwinn said the applicant's only intention this evening is to obtain final approval for
216 the plan currently before the BZC. It is not contemplated to bring those lots back on the
217 other plan. Based on how this goes, the other property would be evaluated and it would
218 be determined what would be appropriate.

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219 Ms. Korleski said the BZC would approve this the way it is and the overlap would not be
220 allowed. Ms. Gwinn said if she wanted to include the additional lots, she would need to
221 come back and modify the zoning, and the process would need to be started again. Mr.
222 Andrews said there would also be a new legal description that would include that
223 property; it could not be attached without the BZC acting on it first. Ms. Gwinn said it is
224 not her intention to do that right now.

225

226 Mr. Johnson said he appreciated the fact that this is one of the few plans that has come to
227 the BZC with no divergences. Ms. Korleski said the applicant would be coming here in
228 January with a preliminary development plan. Mr. Andrews said he has just received
229 sketches back and he feels the BZC will be happy with it. It will look different than the
230 one they have already seen, and it has more open space.

231

232 Ms. Korleski asked when the preliminary plan comes in for the T-shaped property,
233 would that be included in this plan? Ms. Gwinn said that was not her intention at this
234 time.

235

236 Ms. Korleski noted that there are two requested divergences. Ms. Gwinn said the lot
237 area was reduced to 15,000 SF minimum, and the side yard setback was reduced on the
238 east side from 12' to 6'.

239

240 Mr. Bardash said he agreed that some of the items won't be shown on the plat. Ms.
241 Gwinn said for example, it does not show the fountains in the ponds. Typically, those
242 items would be called out in the notes on the plat plan. With the exception of the
243 walkable paths within the community and the areas around the ponds, everything else is
244 shown.

245

246 Mr. Bardash said regarding the driveways, he did not think it would be possible to
247 include those as the type of house to be built is unknown at this time. Ms. Korleski said
248 some final development plans have shown the driveways and the footprint of the home.
249 She asked that the conditions be placed on the plat map as well as the two divergences,
250 the paths around the pond, and the additional tree coverage on the corner of Cheshire and
251 Gregory Roads.

252

253 Ms. Gwinn said the tree coverage is called out on the landscaping plan. Ms. Korleski
254 said it needs to be on the plat map as well so a person can look at it and see everything.
255 Mr. Bardash said he didn't realize there have been final development plans in the past
256 that include the driveways and houses.

257

258 Mr. Valentine said the driveway location can vary with the side load garages. Mr.
259 Bardash said that is true dependent on what houses are built as well. Mr. Flaherty said
260 they can't be plotted until the permit is pulled and engineering is obtained from the
261 county. Mr. Valentine asked whether the applicant was still committed to the 20% side
262 load garages. Ms. Gwinn said that was correct.

263

264 Ms. Gwinn said she wanted to correct her earlier misstatement about sidewalks. The
265 developer has committed to interior sidewalks based upon feedback from the trustees but
266 not necessarily display area fencing/paths around the ponds. It is just the sidewalk
267 connections within the interior per the county standards, as well as a connection being
268 provided to allow open space. The reason the paths aren't shown around the pond is
269 because the developer has not committed to that.

270

271 Mr. Flaherty said they are not paths; they are a 10' flat area for walking, which would
272 not need to be detailed on any plot plan. It would just be grass and not pavement; it
273 would simply be shown on the topography map as a flat area.

274

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275 Mr. Flaherty said the applicant should check with the county engineer regarding their
276 standards for the multi-use paths.

277

278 Mr. Loveless asked that the street tree plan be changed to indicate that the street trees are
279 not to be planted between the curb and the sidewalk. Ms. Gwinn said it was her
280 understanding that those would be maintained by the individual owners and outside of
281 the right-of-way. Mr. Loveless said the idea is that if they are planted between the
282 sidewalk and the curb, they do not tend to last as long, they do not have enough root
283 space, etc. Trees planted in the yard tend to do better and the homeowners take better
284 care of them.

285 Mr. Flaherty said Tab 6 Street Tree Plan shows the trees as being behind the sidewalk,
286 but for clarification the application should indicate in the text and on the general notes of
287 the plan that all trees will be in the lawn area.

288

289 Mike Hubbard, 2953 Gregory Road, asked whether the ponds would be treated with a
290 chemical. Ms. Gwinn said they are retention basins and the aeration helps with the
291 health and wellness of the pond. Mr. Andrews said some chemicals are prohibited and
292 he would need to check on that.

293

294 Ms. Korleski asked whether all the conditions should be written on the plat map. Ms.
295 Kaplan and Mr. Valentine agreed that they should be.

296

297 Mr. Loveless said Gregory Road has a required circle at the end now and he asked why.
298 Mr. Andrews said the engineers have come up with that in the last couple of days
299 although he is not sure why because the bridge may not be built for 50 years. It was
300 confirmed that Gregory Road is a county road.

301

302 Mr. Loveless said the concept was that if there wasn't a turnaround there, drivers would
303 go through the subdivision rather than turning around and going back. Ms. Gwinn said
304 the applicant is working on final engineering and that is the context in which those
305 questions came up. She has just received that feedback, and she would like the
306 opportunity to work with the county as part of their final engineering, separate from the
307 process of the final development plan.

308

309 Ms. Gwinn asked for a list of the items to be addressed so they can be included. Ms.
310 Korleski asked that the conditions be placed on the plat map in the note section. Mr.
311 Loveless explained that also helps landscapers and others who refer to the plan. Mr.
312 Andrews confirmed that there would not be any islands in the cul-de-sacs.

313

314 Ms. Gwinn said she will bring large maps with the changes made, as well as
315 substitutions for the binders, to the zoning office.

316

RESOLUTION 2019.11.26 #A: APPROVE BZC 19-009

317 Mr. Bardash made a motion to approve BZC 19-009 with the stipulation that the street
318 tree text and all divergences, and the conditions from the trustee meetings are added to
319 the main plat, and the street tree text is included in Tab 6. Mr. Valentine seconded the
320 motion.

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

322 Motion carried.

323

324 Ms. Gwinn noted that a second page may be necessary for the plat map as it may not all
325 fit. Ms. Kaplan asked her to make the font smaller.

326

327 Ms. Korleski said the next meeting will be an organizational meeting for the BZC and
328 BZA on December 10, 2019, and there will be extension requests on the agenda from
329 Judith Hook and AAT.

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330 There was no further business to come before the Commission. Motion to adjourn.
331 Meeting adjourned.

332

333

334

Toni Korleski, Chairperson

335

336

337

Jerry Valentine, Vice-Chairperson

338

339

340

341

Darcy Kaplan, member

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Mike Bardash, member

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Martin Johnson, member

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Steve Flaherty, 1st alternate member

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357

Ray Armstrong, 2nd alternate member

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359

360

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

363

364

364