

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO 43015

REGULAR MEETING

TUESDAY, APRIL 21, 2020 7:00 PM

1 This meeting was held virtually.

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3

CALL TO ORDER

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5 The meeting was called to order by Steve Flaherty at 7:00 PM.

6

7 Steve Flaherty led meeting attendees in the pledge of allegiance.

8

9 BZC members present: Chairman Steve Flaherty, 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, BZC alternate member Christina Littleton.

13

AGENDA ITEM: LEGAL NOTICE

14 Ms. Knapp said this meeting was advertised in the 12/31/2019 Delaware Gazette as a
15 regular meeting.

16

AGENDA ITEM: BZC 19-006 PIATT PRESERVE WEST

17 *BZC 19-006, filed by Valerie Rowe, Trustee, requesting approval of a preliminary*
18 *30 development plan to rezone 2591 Cheshire Road, Delaware, OH 43015 from Farm*
19 *31 Residential District (FR-1) to R-3 Planned Residential District (R-3/PRD), 22.129 ±*
20 *32 acres, 30 single family lot subdivision that will be part of Piatt Preserve West.*

21

22 Mr. Flaherty said this hearing was scheduled in April and was automatically postponed
23 by legislation to a date and time certain to be named later. It was tabled at the last
24 meeting and advertised to this evening. The public can watch the meeting live on
25 Facebook and the BZC will be taking questions over Zoom.

26

Applicant Presentation

27

28
29 Molly Gwinn, attorney representing Westport Homes, thanked the BZC for holding this
30 virtual meeting. She said she is the agent/attorney for Westport Home. Also present is
31 Westport division president Jack Mautino, and vice-president of land acquisition Terry
32 Andrews.

33

34 Ms. Gwinn said the parcels in the subject parcel fit into the already-existing approval, and
35 she calls this the “donut-hole” piece. It is located directly to the west of the Piatt Road
36 extension. Piatt Preserve east is locate to the east and Piatt Preserve West and they were
37 both already before the BZC and the trustees, where they obtained approval. This piece
38 is owned by a different owner and was under a different zoning when the original
39 development went under contract.

40

41 Ms. Gwinn said this plan was already before the Delaware County Regional Planning
42 Commission. Per the trustees and the BZC, the applicant has worked very hard to
43 incorporate this property in as cohesive and appropriate of a way as possible.

44

45 Ms. Gwinn reviewed the changes that have been made to the property since it was
46 originally submitted in June 2019, as well as the commitments that were made for the
47 existing Piatt Preserve West and Piatt Preserve East extension, which the applicant has
48 already committed to and is prepared to commit to for this piece.

49

50 Ms. Gwinn showed the existing site plan for the Rowe property for the Piatt Preserve
51 West extension. The old plan submitted rezoning for about 30 lots. The new plan has 24
52 lots. Part of that is that the homestead lot is no longer included in this application.

53

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54 Ms. Gwinn said the prior plan rezoned 22.12 acres with slightly under 17 acres of net
55 developable land, and the new plan has just 16.3 acres with 13 of that being net
56 developable land. One of the biggest advantages of the new plan is there is a total of
57 45% open space. The code require 20% open space for the R-3 PRD overlay. The prior
58 submitted plan was at 32%. This new plan as 45% open space.

59
60 Ms. Gwinn said the total lineal feet of the roadway that is included is slightly less; the
61 new plan has 1205 lineal feet of roadway, meaning less maintenance and upkeep. She
62 said the density is 1.84 units/acre, which is under the code requirement of 1.85 in an R-3
63 district with a PRD overlay.

64
65 Ms. Gwinn said no divergences for this part of the development are requested and the R-3
66 PRD overlay standards have been met. She reviewed some of the commitments that have
67 been made in addition to what is in the text, in an effort to incorporate this site so it
68 matches the existing rezoning.

69
70 Ms. Gwinn said there is an 8' asphalt path that is provided along Piatt Road that will
71 allow walkability within the community. As to interior sidewalks, the applicant has
72 agreed to connect those to the paths. She will commit to 20% side load garages, which
73 was also committed to in Piatt Preserve West and East. All garages in the development
74 will have architectural style features to allow for greater visual interest and to allow for
75 cohesion between this property and the existing zoned property.

76
77 Ms. Gwinn said there will be one homeowners association for this entire group, with
78 turnover at 90% occupancy. The HOA will maintain the multi-use path, as well as the tot
79 lot that is locate on Piatt Preserve East. That was a requirement previously and one of the
80 reasons that was decided was to spread the costs of the amenities more evenly between
81 the neighborhoods.

82
83 Ms. Gwinn said all homes in the development will have full natural materials, including
84 brick, natural or manufactured stone, and others.

85
86 Commission Consideration

87
88 Ms. Kaplan asked whether there would be mounding that buffers the area at the Piatt
89 Road area where the walking path is. She asked whether that would be flat or something
90 else. Ms. Gwinn said there was some natural topo indicated there so some mounding
91 may be appropriate.

92
93 Mr. Mautino thanked the BZC for accommodating this meeting remotely. He called
94 attention to the landscaping plan where evergreen and deciduous trees along that area are
95 shown. He was not certain about the mounding. Ms. Kaplan said she likes the concept of
96 the land being usable and walkable, but she would like to see a buffer along Piatt Road.
97 She likes the changes that were made to the plan and she appreciates the work that the
98 applicant put into the plan.

99
100 Ms. Gwinn said she just spoke to Terry Andrews, who informed her that they will do as
101 much mounding as they can because it not only looks nice, it creates a nice buffer for the
102 house.

103
104 Mr. Valentine said that on page 9, section 2 goes from 11 to 13 and he asked whether
105 there was an item 12. Ms. Gwinn said item 12 is for the phasing plans, which has been
106 included.

107
108 Ms. Gwinn asked whether there would be a fence along the Piatt Road trail. He said all
109 water on the plan is showing fountains, and he asked whether they would all be retaining
110 ponds.

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112 Mr. Mautino said it is his understanding that they will all be wet ponds. Ms. Gwinn said
113 all ponds would be wet and all would be retention ponds. Mr. Johnson said he was
114 surprised so many ponds would be necessary, but he assumed the county was requiring
115 that many ponds.

116

117 Mr. Johnson asked whether the street side trees are located on the interior of the
118 sidewalks. Ms. Gwinn said that that is correct and that the trees were removed from the
119 road right-of-way per the township's request.

120

121 Mr. Bardash said the landscaping plan does show some deciduous trees along Piatt Road,
122 between the backyards and the path, although some gaps are shown. He liked the
123 fountains in the pond, the amount of open spaces and that no divergences are requested.
124 He asked what the price point would be. Ms. Gwinn said they would be around
125 \$375,000-425,000.

126

127 Mr. Bardash said 25% side load garages were approved in other applications at times.

128

129 Mr. Bardash said the BZC approved that the shingles could be 3 tab shingles with a 25
130 year warranty, but the text says dimensional shingles may also be used. He said ideally
131 there will only be dimensional shingles, and he was concerned about that.

132

133 Mr. Mautino said Westport Homes uses 30-year dimensional shingles on all of the homes
134 they construct and he has no problem changing "may" to "shall."

135

136 Mr. Flaherty said that since the last hearing, the Rowe property at the corner has now
137 been removed from this rezoning. Eventually, Gregory Road will cease to enter Cheshire
138 Road, but that is to be determined by the county at a later date. There are several cul-de-
139 sacs and one entrance. He thanked the applicant for the open space and said this is part
140 of a larger plan with the east side that was already zoned, and this complements that.

141

142 Ms. Littleton said regarding the Rowe property that was eliminated from the plan, she
143 noticed mounding behind lots 50-52, but it stops behind lots 98 and 97. She asked
144 whether the mounding could be continued because the cul-de-sac areas seems "awkward"
145 to her.

146

147 Ms. Gwinn said there is a fairly large expanse between the build line and the existing
148 home and the subject property. The cul-de-sac in the revised plan was shortened up a bit
149 to make it align better with the drive. There would not be additional mounding, but the
150 applicant would continue to work with Ms. Rowe and include that if she wanted it.

151

152 Ms. Littleton said there had been a conversation regarding the sale of that property and
153 that may be a nice buffer for the future property owner. Mr. Mautino asked Mr. Andrews
154 whether there was a drainage issue that may be caused by mounding in that area and
155 whether they have looked at the engineering on that. Mr. Andrews said there shouldn't
156 be, and that some 3-4' high mounding could be provided upon Ms. Rowe's request.

157

158 Ms. Littleton said page 2 under "signage" references the temporary signage and also
159 permanent signage. She asked whether that applies to this section or to the Piatt Road
160 entrances. Ms. Gwinn said there is only permanent signage at the Piatt Road entrances.

161

162 Ms. Littleton said page 3, item 10, section c mentions the 8' wide multi-use path along
163 Cheshire and Piatt Roads, and she asked whether that was correct. Ms. Gwinn said that is
164 incorrect and the Cheshire Road path needs to be removed.

165

166 Ms. Littleton said on page 6, letter V indicates that the attached garages should be set
167 back 12' and she asked whether that does not apply here because there is on-street

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168 parking available. Ms. Gwinn said that is language from the zoning resolution and her
169 response, and that requirement has been met.

170
171 Ms. Littleton said page 9 regarding the turnover date, she is not certain but she feels like
172 she remembers the turnover being less than 90%. Ms. Gwinn said the range is usually
173 80-95% so that is the average. The higher the number, the better as it allows for better
174 developer control for longer. There is typically one person to contact rather than an HOA
175 board.

176
177 Ms. Littleton asked whether it was correct that side-loaded garages will not be
178 determined this time. Ms. Gwinn said that was correct and that it would depend on the
179 geometry of each lot.

180
181 Ms. Gwinn said it is in the best interests that the developer control the association for as
182 long as possible as typically they have the economic means to ensure the pristine
183 presentation. 90% was a recommendation by the trustees at the last meeting and that was
184 the threshold in which he had wanted that turnover. It's not unusual for it to be 100%.

185
186 Mr. Mautino said regarding the side load garages a note that "the ratio of the permits
187 issued shall not exceed 80% of the front load garages at any time during the
188 development" was included in the Piatt Preserve East and West developments and it
189 could be included here as well if desired. That means that one in every five homes sold
190 will need to have a side load garage in order to issue the building permit.

191
192 Ms. Littleton asked about where the cluster mailboxes would be and where they would be
193 located. Ms. Gwinn said the mailboxes would be located in Reserves B, K and I. She
194 said they would be located in areas opposite fire hydrants and adjacent to sidewalks to
195 ensure no blocking and to accommodate parking.

196
197 Mr. Johnson asked whether the 90% would be for all lots within the entire development.
198 Ms. Gwinn said that was correct because they will all have one homeowners association.

199
200 Public Comment

201
202 There were no comments from the public.

203
204 **RESOLUTION 2020.04.23 #A: APPROVE BZC 19-006**

205
206 Mr. Bardash made a motion to approve BZC 19-006 and forward it to the trustees for
207 their approval. Ms. Kaplan seconded the motion.

208 Vote: Bardash, yes; Kaplan, yes; Valentine, yes; Johnson, yes; Flaherty, yes.

209 Motion carried.

210
211 Mr. Johnson said that he has served on the BZC for a few years and it's very rare to see
212 an application with total accommodation and no divergences. He thanked the applicant
213 for that and encouraged them in the future. Mr. Mautino thanked him.

214
215 Mr. Flaherty said the next BZC meeting is on 4/28/20 for BZC #18-001, Villas at Old
216 Harbor West with 3 Pillar Homes and John Wicks.

217
218 Mr. Flaherty said that he would work on getting the meetings on Facebook Live. The
219 next regularly scheduled BZC meeting is on April 28, 2020 for BZC 18-001, Villas of
220 Old Harbor West.

221
222
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Steve Flaherty, Chairman

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Jerry Valentine, Vice-Chairman

Darcy Kaplan, member

Mike Bardash, member

Martin Johnson, member

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