

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO 43015

REGULAR MEETING

TUESDAY, AUGUST 10, 2021, 7:00 PM

CALL TO ORDER

The meeting was called to order by Vice-Chairperson Jerry Valentine at 7:00 PM.

Mr. Valentine led meeting attendees in the pledge of allegiance.

BZC members present: Vice-Chairperson Jerry Valentine, Christina Littleton, Angela Brown, Jenny Sloas (1st alternate member, seated), Sherry Graham (2nd alternate member, seated).

Not present: Chairperson Steve Flaherty, BZC member Darcy Kaplan.

Also present: Zoning Inspector David Loveless, Zoning Clerk Lisa Knapp, Zoning Secretary Cathy Rippel.

Mr. Valentine reviewed the adopted policy of the BZC, and noted that public comments are limited to three minutes per person. He reviewed the procedures for this hearing.

AGENDA ITEM: PROOF OF PUBLICATION

Ms. Knapp confirmed that the meeting was advertised as a regular meeting in the July 28, 2021 Delaware Gazette:

BERLIN TOWNSHIP ZONING COMMISSION NOTICE OF PUBLIC HEARING

The Berlin Township Zoning Commission will hold a public hearing August 10, 2021 at 7:00 p.m. at the Berlin Township Hall located at 3271 Cheshire Road, Delaware, OH 43015 for the purpose of considering an application, designated as BZC 21-004 filed by Maeve Meadows LLC, 470 Olde Worthington Road, Westerville, OH 43082. The applicant is requesting to rezone, Parcel #41831001068000, ±23.838 acres from R-3/Planned Residential District (R-3/PRD) to Transitional Planned Unit Development (TPUD) Cheshire Road, Delaware, OH 43015 to allow for a larger variety of lot sizes and open spaces subdivision, known as Maeve Meadows, formally Southwoods.

For questions, call David Loveless, Zoning Inspector at 740.548.5217 x103. You can find the text and map on the Berlin Township website www.berlintwp.us under the public notices and zoning department pages. After the conclusion of the hearing, the rezoning matter will be submitted to the Board of Township Trustees for its action. The person responsible for giving notice of the public hearing by publication is Cathy Rippel. Township residents are encouraged to join us.

BERLIN TOWNSHIP ZONING COMMISSION
Steve Flaherty, Chairman

AGENDA ITEM: APPROVAL OF MINUTES

Mr. Valentine made a motion to approve the minutes from the 7/27/21 BZC meeting as presented. Ms. Brown seconded the motion.

Vote: Valentine, yes; Brown, yes; Littleton, yes; Sloas, yes; Graham, yes.

Motion carried, minutes were approved.

AGENDA ITEM: BZC 21-004 MAEVE MEADOWS

BZC 21-004 Maeve Meadows LLC, requesting to rezone ±23.838 acres from R-3/Planned Residential District (R-3/PRD) to Transitional Planned Unit Development (TPUD) Cheshire Road, to allow for a larger variety of lot sizes and open spaces subdivision, known as Maeve Meadows, formally Southwoods.

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52 Todd Faris, with Faris Planning & Design and Joe Thomas, with Metro Development,
53 presented the application and answered questions from the BZC. Mr. Thomas distributed
54 a copy of the presentation and Mr. Faris presented a slide show.

55
56 Mr. Faris said he has been before the BZC for this project several times. It was originally
57 approved for rezoning a few years ago and was known then as Southwoods. He came
58 back a few months ago for an informal review with a sketch plan/ concept that
59 highlighted their vision of the modifications to this site plan that would diversify the lots,
60 increase the density, and provide for greater amenity space for the residents and the
61 surrounding public.

62
63 Mr. Faris said the BZC recommended that a new application be filed because the changes
64 were extensive, and that has been done.

65
66 Mr. Faris said the site has several constraints based upon its shape. The county engineer
67 indicated that they wanted the entrance to be located as far to the south of the intersection
68 of Piatt and Cheshire Roads as possible. Per recommendation of the county engineer and
69 the Delaware County Regional Planning Commission (DCRPC), a connection to Howard
70 Farms next door has also been provided, which will provide a secondary access to that
71 neighborhood as well as for residents of the subject neighborhood.

72
73 Mr. Faris said the revised plan provides a variety of lot sizes, including 57', 62' and 75'
74 wide lots. Those are evenly distributed amongst the 43 lots, and the density is 2.12 units
75 per net developable acre/1.85 gross. The lots were organized so that the larger lots are
76 adjacent to the existing residential area to the north and northeast. Those views are
77 premium due to the existing tree rows and creek, and will be more expensive and
78 desirable to buyers. The other lots are along the entry roads and the lots will
79 accommodate a large variety of home sizes, which will create housing diversity.

80 Mr. Faris said the buffer to the south has been increased from 50' to 75', and the
81 mounding and screening committed to will remain. The buffering adjacent to the site are
82 consistent or greater than before, and a greater amenity package has been provided. The
83 open space has been increased from around 9 acres to 11 acres, which is about 46% of the
84 site.

85
86 Mr. Faris said he also wanted to provide greater attention to the open space for use of the
87 residents. There is a large open space that fronts Piatt Road, around the retention pond,
88 and there is a continuous walking trail around the rear of those lots. He said he wanted to
89 have the open space more external to the site so it is shared with all township residents
90 and not buried in the back. There will also be fencing and landscaping. This will make it
91 more of a community amenity rather than just for this development.

92
93 Mr. Faris showed renderings of the open space from various points. He said there would
94 be a playground and walking path and a horse fence that helps open the property up to
95 Piatt Road and frames it. He showed views of the seating area that overlooks the pond on
96 the east side of the site, with a pathway between two of the homes, and the play structure.
97 He showed the street tree and buffering plan. There will be a nice yard arm sign on Piatt
98 Road as well. The open space plan shows the distribution of the open space.

99
100 Mr. Faris said he has requested two divergences: the first is for building separation. 25'
101 is required and he is requesting 12.5'. The second is that all natural materials on all sides
102 of the homes are required, and he is requesting that vinyl be allowed on the sides of the
103 homes.

104
105 BZC Consideration

106
107 Ms. Brown said she really liked the open space plans and the park area and paths, which
108 is something residents want, and it has come a long way from the prior proposal.
109 However, this is not a transitional area. Berlin Manor is right next door is with an

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110 average of .34 and .4 acre lots, with a few lots that are just below .3 acres and some are
111 larger. Howard Farms is across the street and is similar, as some lots are .34 and .35-.4
112 acres.

113
114 Ms. Brown said this will lead into Howard Farms and there will be 14 lots that are .17
115 acres, 15 that are .19 acres, and 14 lots that are in the .3 acre range. With the cost of land
116 and materials right now, it is difficult to get affordable housing these days in this area and
117 to find a home under \$500,000.

118
119 Ms. Brown said regarding transitioning, Oldfield Estates and Piatt Meadows are just
120 down the road. Oldfield is closer to the 2600-2800 SF home and they are mostly on 1/3
121 acres lots. Piatt Meadows has smaller lots at .24 to .26 acres and are more like 2400 SF.
122 She said these homes do not fit the area, and she did not understand how it would
123 transition from the large houses to the other homes with 12.5' between homes. It just
124 does not fit.

125
126 Ms. Brown said the divergence request is large and she is not confident that the fire
127 department is accepting of the 12.5' side yard setback. The number of homes could be
128 reduced from 14 to 9 lots that are .25 acres, an increase from the .17. 5 lots would be
129 removed, but the remaining lots are more appealing and a larger house with a large yard
130 could be built. That type of development would be more transitional. There would still
131 be 15 lots that are .185 acre that could be increased to .2 acres. This would be more of a
132 transitional development and although it still might make the BZC cringe, it just feels
133 better.

134
135 Ms. Brown said it would need to be ensured that side-load garages could be built on these
136 lots, as 20% is required in this neighborhood. She did not think that was a possibility as
137 proposed with the size of homes proposed. She asked how large the homes would be.

138
139 Mr. Thomas said they would be 2200 SF minimum with the larger 75' wide lots at 2800-
140 3200 SF, and the larger lots would allow side load garages. Regarding the transitional
141 concept, he was not trying to overcomplicate the issue and make the home prices less
142 expensive, but trying to make the lot development more achievable. The house price
143 would still be in the \$400,000's range. He is not trying to just do this in Berlin Township
144 but throughout southern Delaware County. He noted that it would not really be
145 affordable housing except when compared to the typical \$600,000 homes in the area. He
146 said perhaps it should be called "price-sensitive" housing instead.

147
148 Mr. Thomas said he is also trying to appeal to those buyers who do not want to have to
149 maintain large lots, where the interior is more important than the exterior. Mr. Faris said
150 that is why the larger open space was provided.

151
152 Ms. Brown said she could understand the .15-acre lots if this was a free-standing condo
153 development with the yard area to be maintained by the association, but this is a
154 combination of single-family and freestanding condo. The .3 acre-size lot is easier to
155 tolerate because they exist in this area, but the under .2 acres is just not Berlin Township.
156 When she first looked at the plan, she thought it was a transition to condos, but it is not.

157
158 Ms. Littleton said she echoed many of Ms. Brown's comments. She said amenities have
159 been provided, and she loves the design of the neighborhood and the landscaping and
160 amenities as it is inclusive of the entire community. Some of those features could
161 possibly warrant a higher density development than what is planned for the core of Berlin
162 Township, but she felt this request is excessive and she did not want to set a precedent for
163 the remaining 100's of acres that exist in Berlin Township.

164

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165 Ms. Littleton said she understands there is a need for more price-sensitive homes, but this
166 is not the area for it. There may be areas further north in the township where transitional
167 developments may work, but although she loves the design of it, this is not the right place
168 for it.

169
170 Ms. Graham said she likes the design of the open spaces and the walking trails, but the
171 spacing in-between house is extreme at 12.5' . She could not imagine living on one of the
172 adjacent properties and seeing these homes this close together. The benefit of the
173 increased open space and the walking trails does not justify the increased lots and
174 decreased size. Although some give could be considered, 13 additional lots is too many.
175

176 Ms. Sloas said she cannot imagine being an adjacent property owner to .15 and .19 acre.
177 There may be areas in the township where this may better fit in, but not in Berlin
178 Township. She loves the green space and the playground as those activities are lacking
179 in this area and that should be continued in any revised plan, but the lot sizes in the
180 original plan are more consistent with Berlin Township.

181
182 Mr. Valentine said in 2009, the township's comprehensive land use plan (CLUP) was
183 revised, and again in 2019. The resounding feedback from residents was they like the
184 rural characteristics of Berlin Township. The proposal is not at all rural, and would be
185 placing the city in the rural core of the township, which is trying to maintain what the
186 residents want. Even new residents want to live in that type of environment.
187

188 Mr. Valentine said he owns a 1 1/3 acre lot, and 6 of these lots would fit on his, but he
189 lives there for a reason. The transitional planned unit development zoning is not a good
190 fit for this particular location, which is surrounded by 3 developments currently under
191 construction. He is looking out for the residents.
192

193 Mr. Thomas said he understands that the concerns of the existing Berlin Township
194 residents is always louder than residents to be. The BZC looks out for that each and
195 every time, while developers look out for future residents and their ability to move into
196 the township and into the school district. They may want the character of the
197 neighborhood to remain rural. But Piatt and Cheshire Roads will be major thoroughfares
198 soon, especially with the new Berlin High School and Cheshire Elementary being built,
199 and the Berlin Middle School to come soon.
200

201 Mr. Thomas said things have vastly changed since 2009, including the "temperament"
202 along Piatt Road. There is now a temple across the street, which is not rural, and there
203 will be more development along the railroad. He is attempting to create a diversity of
204 home products, and is including amenities that most other large home developments do
205 not have. That includes those that the general public will be able to use including the
206 pond, the park and the trails, which will tie into the township's multi-use trail in the
207 future. He said he understands the BZC's concerns.

208 Mike Grubb, 3361 Piatt Road, said he lives on the first lot south of this. He asked
209 whether township residents would park when they use the amenities. Mr. Thomas said it
210 will be via connectivity of pedestrian paths on Piatt Road. Piatt Road will have a lot of
211 connectivity, and Cheshire Road trail system will ultimately be connected, as will
212 Howard Farms.
213

214 Mr. Grubb asked who would built the bridge across the creek , which will have to hold a
215 fire truck. Mr. Thomas said the developer will build it, and they are common.
216

217 Mr. Grubb said approving this will set a precedent of high density, so it needs to be
218 stopped now. He could develop his property in this manner as well if this is approved.
219 He is willing to give a little bit, but this is too much. Mr. Thomas said the amenities
220 being provided to the community was a trade-off for the density and the lot sizes. Mr.
221 Grubb said he didn't think anybody would use it.
222

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223 Don Stuller, 2841 Cheshire Road, said he agreed that the lot sizes are too small, and that
224 once something like this is approved, one can't go back. He said the side yard setbacks
225 were too small. There are many developments to be built in the future in Berlin
226 Township and this will set a precedent. He asked whether the creek is part of this
227 development and who is responsible for it. Mr. Faris said it was, and the span will be
228 built to county standards in the public right-of-way.
229

230 Mr. Grubb asked if the connection could be eliminated. Mr. Faris said it would be nice.
231 Mr. Grubb said vehicles from the 150 homes in Howard Farms heading south will come
232 right past his home and down Piatt Road. Mr. Faris said it will not be a straight shot, but
233 the county has been adamant about this connection from day one. Originally there was a
234 cul-de-sac planned. Emergency vehicles want to have as many egresses/ingresses as
235 possible.
236

237 Mr. Grubb asked whether condos were not allowed in the township. Mr. Valentine asked
238 if he was aware of the zoning cloud. The township spent a year re-establishing the
239 zoning along 36/37 and Curve Road, and it includes higher-density transitional
240 development. One should not transition in the middle of the development, but rather on
241 the outskirts. It is possible to have transitional housing in that area, but the developer
242 would need to apply there. He was not aware of condos in the township other than the
243 single-family condos at Old State and Hollenback Roads.
244

245 Mr. Loveless said the pond seems to have gotten smaller since the last rendering, and he
246 asked whether the county engineer has taken a look to determine whether that will
247 contain everything. Mr. Faris said they have, and determined that it was sized correctly.
248

249 Mr. Loveless said the original plan was approved for a certain number of units, and he
250 asked how the density had increased. Mr. Faris said it increased from 30 to 43.

251 Mr. Loveless asked whether he had received a letter of approval from the fire department
252 yet. Mr. Faris said he submitted plans on Friday to the fire department.
253

254 Mr. Thomas said he would like to take the comments he has heard under consideration
255 and table. Ms. Rippel asked whether he wanted to table it to a date certain. Mr. Thomas
256 said he did and he would like to table to the next available date. Ms. Rippel said that
257 would be September 28, 2021, and that the materials should be provided by September
258 14.
259

260 Mr. Loveless said the fire department likes to have 25' between structures, so if a
261 divergence is requested to squeeze that tighter, cheap siding that is a fire hazard is going
262 to be a deterrent to that.
263

264 Mr. Grubb asked about the mound in between the properties that had been approved in
265 the last plan. Mr. Thomas said the mound is taller now and 25' more distance has been
266 added. Mr. Grubb said open space is shown. Mr. Faris said there is open space behind
267 the lots to the mound, but he can make the mound taller. Mr. Thomas said the mound is
268 now closer to his home.
269

270 Mr. Faris said the homes were pulled away so it was further away. Mr. Grubb said the
271 developer also agreed to install a fence. Mr. Faris said it was a wire fence. Mr. Grubb
272 said he wanted something substantial. Mr. Faris said the fence still exists in this plan.
273

274 Mr. Loveless said it is required that a fence separate residential from agricultural
275 properties.
276
277
278
279

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280

AGENDA ITEM: OTHER BUSINESS

281 Rick Karr said he would like to request that Buckeye Swim zoning application BZC-003
282 be “untabled” as soon as possible. Ms. Rippel said the hearing has been set for
283 September 14, 2021 at 7:00 p.m.

284

285 Mr. Loveless said he has been getting a lot of commercial zoning inquiries along 36/37
286 and Route 23. One is All Purpose Storage, which wants to expand to the north along
287 Plunkett Road. The north lot already has a commercial business there, but he doesn’t
288 know if that was grandfathered in because it doesn’t appear to be rezoned, so it may need
289 to be rezoned. Ms. Rippel said that business is coming to the BZC on the September 14th
290 meeting for an informal hearing.

291

292 Mr. Valentine said there is a meeting on Saturday morning regarding zoning training
293 being held by the prosecutor’s office. Ms. Rippel said trustee Ron Bullard told her that
294 attendees will receive their meeting wage for attending and they would be holding a
295 special meeting to discuss. She recommended that BZA and BZC members attend.

296

297 Mr. Valentine said the next scheduled meeting was on Tuesday, August 24 at 7:00 p.m.
298 The applicants present today will be here to discuss Berlin Bluffs.

299

300 Mr. Valentine adjourned the meeting.

301

302

303

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Steve Flaherty, Chairperson

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Jerry Valentine, Vice-Chairperson

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310

Darcy Kaplan, member

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313

Christina Littleton, member

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316

Angela Brown, member

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319

Jenny Sloas, 1st alternate member

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321

322

Sherry Graham, 2nd alternate member

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324

325

Attest: _____

326

Lisa F. Knapp, Berlin Township Zoning Clerk