

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO 43015

REGULAR MEETING

TUESDAY, OCTOBER 11, 2022: 7:00 PM

CALL TO ORDER

The meeting was held at Berlin Township Hall, 3271 Cheshire Road, and was called to order by Chairperson Steve Flaherty 7:00 PM.

BZC members present: Chairperson Steve Flaherty, Jerry Valentine, Darcy Kaplan, 2nd alternate member Keith Goshia (seated).

Also present: Zoning Inspector Laura Borso, Zoning Clerk Lisa Knapp

Not present: Vice-Chairperson Christina Littleton, BZC member Angela Brown, 1st alternate member Jenny Sloas.

Mr. Flaherty reviewed the BZC's adopted rules, including public comment rules.

PROOF OF PUBLICATION

Ms. Knapp stated that this hearing was advertised in the September 24, 2022 Delaware Gazette, as follows:

BERLIN TOWNSHIP ZONING COMMISSION NOTICE OF PUBLIC HEARING

The Berlin Township Zoning Commission will hold a meeting for the purpose of a public hearing October 11, 2022, 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 12-002, filed by Onyx and East Properties, LLC, 243 N. 5th Street, Columbus, OH 43215. The applicant is submitting a Final Development plan for an approved Transitional Planned Unit Development (TPUD) & Planned Commercial District (PCD) Parcels 41833001086000, 41833001087000, part of 41833001075000 and part of 41833001074000, ±36.9 acres, Lewis Center, OH 43035 known as the Greenery.

For questions, call Laura Borso, Zoning Inspector at 740.548.5217 x103. You can find the packet on the Berlin Township website www.berlintwp.us under the agenda tab for Zoning Commission meetings. The person responsible for giving notice of the public meeting by publication is Cathy Rippel. Township residents are encouraged to attend.

BERLIN TOWNSHIP ZONING COMMISSION
Steve Flaherty, Chairman

AGENDA ITEM: APPROVAL OF MINUTES

Mr. Valentine made a motion to approve the minutes from the 9/27/22 BZC meeting, as presented. Mr. Goshia seconded the motion.

Vote: Valentine, yes; yes; Goshia, yes; Kaplan, yes; Flaherty, abstain.

Motion carried, minutes were approved.

AGENDA ITEM: BZC 12-002 ONYX AND EAST PROPERTIES, LLC.
FINAL DEVELOPMENT PLAN FOR THE GREENERY

BZC 2012-002, Onyx and East Properties, LLC., Final Development Plan for an approved 36.9± acre Transitional Planned Unit Development (TPUD) and Planned Commercial District (PCD), known as The Greenery.

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54 Annie Richardson and Jake Dietrich, with Onyx and East, were present to review the
55 application and answer questions.

56
57 Ms. Richardson displayed a presentation of the plan. She said that the informal
58 presentation at the last BZC meeting, she presented that plan and fielded questions from
59 the BZC members. She said she believes that she has answered all outstanding questions
60 and would like to request a vote on the final development plan at this hearing, after any
61 further questions.

62
63 Mr. Valentine said he had asked about the separation of the development from the
64 adjacent trailer park, and he was assured that the woods in between was very dense and
65 mature.

66
67 Ms. Kaplan said she likes the elevations and feels that there is enough differentiation
68 between them. She said she asked the rest of her questions at the last meeting.

69
70 Mr. Flaherty said he was not present at the informal presentation and asked Ms.
71 Richardson to present the plan in order to provide a synopsis. He said he read the book
72 and does not have any major objections. It looks like a unique development for the area
73 and it fits in. He is glad to see it come to fruition finally after 10 years.

74
75 Ms. Richardson said nothing has been changed since the informal presentation. She
76 showed a streetscape that indicates the differentiation created between units. Many of the
77 units do have similar floor plans, but the exterior elections look different, in order to
78 create some character.

79
80 Ms. Richardson said there are rear loaded units serviced by alleys, as well as front-loaded
81 units that have more of a traditional style, creating an urban environment. Mr. Goshia
82 asked whether there were sideload garages. Mr. Flaherty stated that the main purpose for
83 requiring side load garages was to provide a visual break-up/variety of appearance. The
84 rear-alley loaded garages provide that same appearance.

85
86 Ms. Richardson said the rear alley-loaded garages create an urban environment and also
87 an environment where people can sit on their porches, as they span the entire front of the
88 units' façades.

89
90 After additional discussion, it was determined there were no sideload garages in this
91 development. Ms. Richardson noted that the rear loaded garages are indicated on the
92 plan in an orangish color, and the front loaded are indicated in a greenish color.

93
94 Ms. Richardson noted that the duplex units originally included in the text, located at the
95 front along Shanahan Road, were removed for the sake of fire safety and also for creating
96 an entirely single-family residential neighborhood. That reduced the total number of units
97 from 125 to 121. Thus, the density was reduced, and the net developable area was also
98 calculated.

99
100 Ms. Richardson said the trustees required a dog park, and it was included. She pointed
101 out the location. She noted that it is outside of the easement, as the applicants were not
102 permitted to construct any fencing in the easement area. There is a walking path and
103 adjacent benches for additional dog walking area.

104
105 Ms. Richardson said additional buffer was included per the request of the trustees. It will
106 be located along the south of the site where there are single-family residences. The
107 existing trees will be maintained, and the existing trees and new trees are specified.

108

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109 Ms. Richardson said the applicant feels they are creating a unique environment and
110 neighborhood in Berlin Township, and they feel it will be beneficial to Berlin Township.

111

112 Mr. Flaherty asked whether the roads would remain private. Ms. Richardson said that
113 was correct. Mr. Flaherty asked whether the units would be rentals. Ms. Richardson said
114 they would be, and they would all be within one condominium, so there would be one
115 member of the condominium, which would be Onyx and East.

116

117 Mr. Flaherty said the development looks very nice. Originally, the property was
118 apartment-style, but it was changed to this. The rental designation adds value to the area
119 as a whole. Between the footprints and making it attainable and equitable for people to
120 come in to participate, including people who may be separated but want to keep their kids
121 in the Olentangy School System.

122

123 Mr. Flaherty said there is a place for that in the township, in this commerce and
124 industrialized area the density can be higher than what is permitted within the rural core
125 off the township. He gave kudos to the developer for working on that and finding a
126 place that fits. Frequently, the township gets requests for these types of developments
127 with higher densities and smaller lots in an area where it just does not fit.

128

129 Mr. Flaherty said this is the proper use of the TPUD, which is designed to be a transition
130 area.

131

**RESOLUTION 2022.10.11.A: APPROVE FINAL DEVELOPMENT PLAN FOR
BZC 12-002 ONYX AND EAST PROPERTIES, LLC.**

132

133

134 Mr. Valentine made a motion to approve the final development plan as presented for
135 BZC 12-002. Ms. Kaplan seconded the motion.

136

137 Vote: Valentine, yes; Kaplan, yes; Goshia, yes; Flaherty, yes. Motion carried, application
138 was approved.

139

AGENDA ITEM: OTHER BUSINESS

140 Mr. Valentine asked about the Old Cheshire-area zoning violation. Ms. Borso said she
141 spoke with the assistant county prosecutor newly assigned to Berlin Township, Tony
142 Stocco, regarding the properties. Mr. Stocco suggested that she re-contact them. They
143 have done some of the work and have cleaned up some of it, but the issues with the
144 buildings remain. She is attempting to re-contact them but was not successful, so the
145 information was forwarded to Mr. Stocco, and she is awaiting his advice.

146

147 Mr. Valentine said there had been a discussion regarding notifying the residents, who
148 were having issues with being blocked from accessing their homes, that they could call
149 911 when that happens. Ms. Borso said she mentioned that to Mr. Stocco, who is looking
150 into what she can do. Her suggestion is that residents who experience such an issue call
151 the township so a record of the issues can be created.

152

153 Mr. Valentine said there had been a discussion about zoning secretary Cathy Rippel
154 notifying residents in the area via letter about the issue and informing them that the
155 township is working on the issue, but in the meantime, they have options. There is no
156 alternative access to those homes, and it is a hazard for everybody. Ms. Borso said she
157 would discuss that with Ms. Rippel.

158

159 Mr. Valentine asked about the property at Sherman and 3 B's and K Road. Ms. Borso
160 said she spoke with the owner today, and drove by there yesterday. She saw that
161 everything was gone except a bus on the one side of the barn. She asked him today when

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162 the bus would be removed and asked that it be stored or removed by next week, as she
163 cannot give him any more time after that.

164
165 Ms. Kaplan asked whether there were specific restrictions that do not allow buses to be
166 parked there. Ms. Borso said that was correct, and that the building was built for the
167 interior storage of agricultural items.

168
169 Mr. Flaherty said the next BZC meeting would be on Tuesday, October 25, 2022 at 7:00
170 PM at the Berlin Township Hall, when the BZC will hear the approval of the
171 Comprehensive Land Use Plan. There was a discussion about canceling the November 8,
172 2022 meeting because that is Election Day so several BZC members will be unavailable
173 to attend because they work the polls.

174
175 There was no further business to come before the BZC. Motion to adjourn. Meeting
176 adjourned.

177
178
179 _____
180 Steve Flaherty, Chairperson

181
182
183 _____
184 Christina Littleton, Vice-Chairperson

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187 _____
188 Jerry Valentine, member

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191 _____
192 Darcy Kaplan, member

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195 _____
196 Angela Brown, member

197
198
199 _____
200 Jenny Sloas, 1st alternate member

201
202
203 _____
204 Keith Goshia, 2nd alternate member

205
206
207 Attest: _____
208 Lisa F. Knapp, Berlin Township Zoning Clerk

209
210