

**BERLIN TOWNSHIP ZONING COMMISSION (BZC)**

*OF DELAWARE COUNTY, OHIO 43015*

**REGULAR MEETING & HEARING  
TUESDAY, FEBRUARY 13, 2024: 7:00 PM**

1 **CALL TO ORDER**

2 This meeting was held at Berlin Township Hall, 3271 Cheshire Road, and was called to  
3 order by Chairperson Darcy Kaplan at 7:00 PM.

4  
5 BZC members present: Chairperson Darcy Kaplan, Vice-Chairperson Angela Brown,  
6 Jasper DeChristopher, Tara Shields.

7  
8 Also present: Zoning Secretary Cathy Rippel, Zoning Clerk Lisa Knapp.

9  
10 Not present: BZC member Jenny Sloas, BZC alternate member Keith Goshia.

11  
12 Ms. Kaplan read the adopted policy of the BZC.

13 **AGENDA ITEM: LEGAL NOTICE**

14 Ms. Knapp the hearing was advertised in the Delaware Gazette on February 3, 2024, as  
15 follows:

16  
17 **BERLIN TOWNSHIP ZONING COMMISSION NOTICE OF PUBLIC HEARING**

18  
19 The Berlin Township Zoning Commission will hold a meeting for the purpose of a public  
20 hearing February 13, 2024, at 7:00 p.m. at the Berlin Township Hall located at 3271  
21 Cheshire Road, Delaware, OH 43015 to consider application's designated as BZC 24-  
22 001, BZC 24-002 and BZC 24-003, filed by Peachblowroad LTD, 6660 N High Street,  
23 Suite 1 E, Worthington, OH 43085 The applicant is requesting approval of a preliminary  
24 development plan to rezone Parcels 418323001031000, 41833001028000,  
25 41833001030000 & 41833001029000, ±92.498 acres, Farm Residential District (FR-1) to  
26 Transitional Planned Unit Development (TPUD), Farm Residential to Neighbor  
27 Commercial District (NCD) and Farm Residential District (FR-1) to Planned Commercial  
28 District (PCD) 560 Peachblow Road, Lewis Center, OH 43035 known as Oak Park. This  
29 hearing is continued to date, time and location, due to the original ad not being published  
30 in the newspaper. For questions, call Jake Bon, Zoning Inspector at 740.548.5217  
31 x103. You can find the packets on the Berlin Township website [www.berlintwp.us](http://www.berlintwp.us) under  
32 the agenda and meetings tab for Zoning Commission. After the conclusion of the  
33 hearing, the matter will be submitted to the Board of Township Trustees for its  
34 action. The person responsible for giving notice of the public meeting by publication is  
35 Cathy Rippel. Township residents are encouraged to attend.

36  
37 **BERLIN TOWNSHIP ZONING COMMISSION**  
38 Darcy Kaplan, Chair

39  
40 **AGENDA ITEM: APPROVAL OF MINUTES**

41  
42 Mr. DeChristopher made a motion to approve the minutes from the 1/23/24 BZC  
43 meeting, as presented. Ms. Brown seconded the motion.

44  
45 Vote: DeChristopher yes; Brown, yes; Shields, yes; Kaplan, yes. Motion carried.

46  
47 **AGENDA ITEM: BZC 24-001, 24-002, 24-003 OAK PARK (PEACHBLOWROAD LTD)**

48 Ms. Kaplan said there is an application before them and it is stated that the BZC will  
49 continue with the hearing, but this is actually the start of this hearing because at the last  
50 meeting it was stated this would be the formal hearing.

51  
52 Applicant Consideration

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53 Todd Faris, with Faris Planning and Design, presented the application and answered  
54 questions. Mark Mann, civil engineer for the plan, with Advanced Civil Design, and  
55 attorney Mike Shade also answered questions. Mr. Faris said after the presentation, he  
56 will address the comments made at the informal hearing on January 13, 2024. The  
57 applications were submitted formally, and they went to the Delaware County Regional  
58 Planning Commission (DCRPC) for comments. He said the plan is providing a  
59 secondary connection to U.S. 23: there will be a backage road that is part of the  
60 township's and county's plan to alleviate traffic on U.S. 23.

61  
62 Mr. Faris said sanitary sewer will be brought in along U.S. 23, and will also provide  
63 services to adjacent properties that do not currently have service. He said the county  
64 sanitary sewer department would not allow them to go through the existing facilities at  
65 Berlin Meadows because the tributary is in a different direction.

66  
67 Mr. Faris said the full development plan that shows the condos to the north, the  
68 townhouse to the southeast, and the mixed-use core in the center of the plan that is a  
69 combination of true mixed-use and commercial freestanding buildings.

70  
71 Mr. Faris said the first section is the TPUD (Transitional Planned Use District), also  
72 known as the Cottages at Oak Park and the Village at Oak Park. The buildings in the area  
73 on the north section would have 1 to 1.5 stories and are on larger lots. This is a project  
74 that mirrors a project in Orange Township, and is a mix of three different model sizes  
75 from 1500-2200 SF and with a variety of different elevations. All exterior maintenance  
76 and lawn work will be handled by the condominium owners association.

77  
78 Mr. Faris said the Village at Oak Park is the townhouse section, and is a transition  
79 between the more intensive mixed-use area and the proposed single family to the east,  
80 and Berlin Meadows. This would be a combination of two- and three- story structures.  
81 He is requesting a divergence for some three-story buildings to have a height of 45'  
82 instead of the maximum of 35.'

83  
84 Mr. Faris showed the open space plan for the north section, and said the open space is  
85 shown in darker colors. There are some wetland areas and preserves, and some  
86 walkways and seating areas. It is more of a linear open space, he said.

87  
88 Mr. Faris said the DCRPC had several comments on the application.

89  
90 *"Road B (the east/that goes out to 23) should be connected to US 23 as part of this*  
91 *project to provide a second access point, while Road D should be connected to Connor*  
92 *Lane as a public street."* Mr. Faris said it will be connected to U.S. 23 through Road B,  
93 and they have an easement agreement with that property owner.

94  
95 Mr. Faris said the Neighborhood Commercial District (NCD) is the more traditional  
96 mixed-use, and includes the Flats at Oak Park South and the Flats at Oak Park North.  
97 The first floor of building 2 in the northern section will have commercial-type uses, and  
98 the second and third floor will have apartments. Parking will be provided in front of the  
99 buildings. Some will have garages that will serve as a buffer to the Worthington Arms  
100 mobile home community to the south.

101  
102 Mr. Faris said the buildings will have brick and stone exterior materials and probably  
103 peaked roofs, and there will be a destination town center. The vegetative buffer will be  
104 supplemented. The open space plan will encompass some wooded areas on the southeast  
105 corner of the site. The large specimen oak tree on the southwest corner, which is the  
106 namesake of the community, will be preserved.

107

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108 Mr. Faris said DCRPC gave recommendations that included a maximum height of 35'.  
109 *“Consider reducing the heights of buildings three and four to a maximum height of 35’.*  
110 Mr. Faris said the buildings could still have three stories, but they may need to have flat  
111 roofs.  
112  
113 Mr. Faris said DCRPC recommended that they consider combining PCD and NCD  
114 proposals in a unified PCD to avoid the issue of residential being a conditional use  
115 approved by the BZC. *“Consider combining the PCD and NCD proposals into a unified*  
116 *PCD request to avoid the issue of residential being a conditional use approved by the*  
117 *BZA.”* Mr. Faris said they would pursue that.  
118  
119 Mr. Faris said the DCRPC recommended that a lighting plan be submitted, and he is in  
120 agreement with that. *“A lighting plan to be submitted and reviewed by the township*  
121 *during final development plan.”*  
122  
123 Mr. Faris said that DCRPC requested that the total number of parking spaces be provided  
124 for each use. *“Identify the total number of parking spaces provided for each use.”* Mr.  
125 Faris said they are not at that level yet, but they typically assume for retail that half is  
126 restaurant, so that figure was used to determine that, and the apartment and residential  
127 numbers were provided.  
128  
129 Mr. Faris said Road B was connected, and also all signs would not exceed the maximum  
130 permitted size per the request of the DCRPC: *“All signs should not exceed the maximum*  
131 *permitted size.”*  
132  
133 Mr. Faris said for the PCD, there are two sections including the west section where there  
134 would be freestanding out parcels for uses such as banks, service facilities, etc. They  
135 would be requesting divergences so there is a pedestrian-oriented streetscape with  
136 parking behind it. Mr. Faris said the eastern region would have uses like smaller grocery  
137 stores, and the parking would be screened from the adjacent uses. The pathways would  
138 be connected, he noted, and the architectural details would be more traditional.  
139 Mr. Faris said that DCRPC said that all sheets should be updated to reflect the corrected  
140 open space calculations and that has been done. *“All planned sheets updated to reflect*  
141 *the correct open space calculations.”* They are connecting Road B, and DCRPC  
142 suggested protecting additional acreage of wooded land and allowing flexibility for the  
143 final layout of the large commercial building.  
144  
145 Mr. Faris said that the three development pieces all go together, and it makes a  
146 development whole with all the pieces coming together.  
147  
148 Mr. Faris said he also incorporated the feedback received at the last meeting. Mr. Faris  
149 said he was asked to provide density for the cottages and townhouse. North of the street  
150 is 3.43 units/acre for the cottages, and 6.11 units/acre to the south. Regarding phasing, he  
151 has divided each section into their own phases, although they could be built all at once.  
152 Each project will be phased on its own.  
153  
154 Mr. Faris said the septic system to the north is within a couple of the lot. There is a use  
155 agreement between the neighbors and an easement will be granted for the use of the  
156 septic system on the subject site. Mr. Mann said the septic agreement provided to them  
157 specifies the use on the site up to a certain point. Once sanitary sewer becomes available,  
158 they would need to connect to it within 180 days. They are willing to provide a lateral  
159 connection if desired and can continue conversations with them.  
160  
161 Mr. Faris said it was requested that they clarify the divergences and that has been  
162 provided. There was a question regarding how many townhomes and cottages would be

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163 rentals or for purchases, and he said they would all be for purchase. They will all be  
164 condominiums and there will be no rentals.

165  
166 Mr. Faris said it was requested that the PCD use does not require an additional setback.  
167 He said there is a requirement that food and drinking establishments cannot be within  
168 300' of a residentially-zones property without a conditional use permit. That would mean  
169 there could not be townhomes in the mixed-use center, and they would like to have  
170 taverns, so a divergence would be requested from the setback requirements for that use.

171  
172 Mr. Faris said it was brought up that the development text for architecture was not  
173 specific enough, and he agreed with that. The Berlin Business Park model has good  
174 attributes, and he can incorporate those elements into this plan. He will address the text  
175 and add more specificity to this.

176  
177 Mr. Faris said it was asked that the text is more specific regarding four-sided architecture  
178 for commercial buildings. He said he will address that as well.

179  
180 Mr. Faris said regarding providing additional language in the text about the townhome  
181 roof heights, that information has been provided and the entire building will not be the  
182 same height.

183  
184 Mr. Faris said regarding explaining the height of the mixed-use buildings in relation to  
185 Worthington Arms, they will be screening the uses from them.

186  
187 Mr. Faris said regarding how mail amenities will be handled on the site, he is not certain  
188 yet whether there will be one or several. They will be in the buildings for the mixed-use  
189 area.

190  
191 Mr. Faris said regarding dog parks, there is a lot of open space and they will be placed in  
192 a few places. The locations will be specified in the next iteration. Regarding clarifying  
193 the buffering along property lines of existing homes, he has provided plans that include a  
194 combination of mounding and plantings and shows the exiting vegetation. There will be  
195 mounding and trees against the homes to the north along Conner Lane. The mound will  
196 be a minimum of 3' in height, and the buffer area will be a minimum of 25'. He will  
197 identify how close the homes are. They will plant a mixture of shade and evergreen trees  
198 there. He will speak with the residents to see what they would like.

199  
200 Mr. Faris said more details were requested about the specimen tree which were provided.  
201 He said regarding the wooded area to be preserved, there are some larger trees, but it is  
202 not woods. "*Protecting additional acreage of the wooded land.*" He will preserve it as  
203 much as possible.

204  
205 Mr. Faris said regarding the amount of open space used by detention basins, there are 8.5  
206 acres of ponds, and 36 acres of open space total, so about 25% of the open space is  
207 ponds.

208  
209 Mr. Faris said it was requested that they provide more usable open space in the  
210 development. He has provided seating areas and overlook areas, and more detail will be  
211 provided later, as well as the TPUD densities. Regarding the size of the lots, they will be  
212 52' by 122.'

213  
214 Mr. Faris said he contacted the Olentangy Local School District superintendent, and the  
215 development should generate around 83 total students. The cost to educate those children  
216 would be about \$13,737 per student per year, for a total of \$1,140,000 per year. The net  
217 impact of the revenue of the development minus costs would be an additional \$1,696,960  
218 per year for the school system. This type of development is generally a win for the

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219 schools and the township. This property was developed as single-family homes, there  
220 would be five times the kids and the value would be less.

221

222

Commission Consideration

223

224 Ms. Brown asked about the 17 units that would be removed, and she asked if that would  
225 come out of the cottages or the townhouse. Mr. Faris said it would probably be from  
226 both. Ms. Brown said she knows they are targeting the 55 and over people. She would  
227 like to see half of the units come out of there, and she would like to see more open space.

228

229 Ms. Brown asked whether the residents of Conner Lane would be required to connect to  
230 the sanitary sewer line. Mr. Mann said they would be required to bring it along U.S. 23  
231 and stop at the northern property line and they will also bring it into the site along Road B  
232 and to the spine up and down the site. Ms. Brown said she wanted to ensure that the  
233 residents would not be forced into the system. Mr. Shade said the county commissioners  
234 have the authority to tie into it if a sewer line is within 500' of an end user. At some  
235 point in time, the septic field will fail, and they will need sanitary sewer access.

236

237 Ms. Brown said the three-story townhomes do look better, and that the BZC considers the  
238 appearance from Berlin Meadows and also Worthington Arms. She requested that from  
239 the pond down the line would all be two-story units for aesthetic purposes.

240

241 Ms. Kaplan said the application states that the signage conforms, and in other areas it  
242 says it needs a divergence. She would like to see all the signage compliant with the  
243 township's zoning resolution. She noted that she likes the 10' bike paths.

244

245 Ms. Kaplan asked what removing some of the units does for the net density. Mr. Faris  
246 said that would reduce the density to 4 units per acre. Ms. Kaplan said she likes that.

247

248 Ms. Kaplan asked whether the reduction from 25' to 10' for minimum structure  
249 separation would be for all buildings. Mr. Faris said it would be. Ms. Kaplan asked him  
250 to reconsider that and provide more detail, as the BZC does not like divergences. Mr.  
251 Faris said it would probably be just for the cottages.

252

253 Ms. Kaplan asked about the setbacks for the open space. She said the fewer divergences,  
254 the better.

255

256 Ms. Kaplan said page 6 states that no condominium building shall exceed 35' in height as  
257 measured from the threshold plate, but they may exceed this to be 42' in height. 45' was  
258 mentioned earlier. She asked that these details be clear and consistent.

259

260 Ms. Kaplan said some of the parcels have some wetlands. She asked how much of the  
261 property is buildable. Mr. Faris said it is required that the wetlands be removed from the  
262 density calculations. Ms. Kaplan asked that he provide the net developable acreage and  
263 the buildable acreage, and the density.

264

265 Mr. DeChristopher said he appreciated the decrease in density. He asked that the  
266 setbacks be maintained near the neighbors. He said that regarding the walking paths,  
267 perhaps there could be a walking bridge at the eastern side that would allow a circular  
268 path along the stream so people would not encounter a dead end. It would also provide a  
269 walking path from the cottages to the south so they can access the commercial area. He  
270 suggested a shelter building as well. Mr. Faris said there may be a recreation center there  
271 as well that anybody could purchase a membership to.

272

273 Mr. DeChristopher asked for more respect to the neighbors on the eastern side and that  
274 the divergences be reduced there, including for the building heights. He asked for more

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275 details for the cottages and the village. Mr. DeChristopher asked whether there would be  
276 basements. Mr. Faris was not sure but thought they would be slab.

277

278 Ms. Shields said the purpose of TPUD is intended to be used as a transitional use,  
279 physically compatible and complementary to both commercial uses and lower density  
280 residential uses. She felt the top half of the plan is just the top half, while the application  
281 text discusses a town center area, which she does not feel has actually been included.

282

283 Ms. Shields said she is concerned with the height of the buildings when compared with  
284 the neighboring residences. Compatibility means it would be seamless, which would not  
285 be the case when going from one story buildings to 3 story buildings. She is fine with the  
286 taller buildings being away from the neighboring properties.

287

288 Mr. Shade distributed an article from 2003 where Berlin Township trustees commented  
289 on a need for access from Worthington Arms, the mobile home park. At that time, said  
290 Mr. Shade, the state took away their full access, and left the right-in/right-out. They had  
291 promised the residents access to a light in two years, yet 20 years later, it was never  
292 delivered.

293

294 Mr. Shade said regarding setbacks, there are 3' building side and rear setbacks and 5'  
295 front yard setbacks in Danbury Township in Lakeside Ohio, and those homes sell for  
296 over \$1,000,000. He said he has heard there is a shortage of homes in Central Ohio. This  
297 development provides opportunities to rent or buy a home, he stated.

298

299 Ms. Brown asked whether the townhomes would have balconies. Mr. Faris said they  
300 would, and the first floor would have patios.

301

302 Ms. Brown asked about whether an entire building was apartments and whether they  
303 would be accessed from inside the buildings. Mr. Faris said they would have interior  
304 hallways with a couple of main entries.

305

306 Ms. Brown said she is not opposed to a divergence to allow a restaurant/bar to be less  
307 than 300' from residences, because that kind of use is the essence of a mixed-use  
308 development. They really want this to be a destination area with restaurants and bars,  
309 and apartments in that area.

310

311 Ms. Kaplan said on the second to last page, prior to tab 1, the text states that Phase 1 is  
312 103 units and .4 acres in size. She asked whether that was a typo. Mr. Faris said it was.

313

314 Ms. Kaplan said regarding building size, it seems excessive. Mr. Faris said that  
315 divergence goes away once the PCD and mixed-use areas are combined.

316

317 Mr. DeChristopher said regarding the variation in heights for the buildings, he likes the  
318 idea of providing that variation. He also likes the idea of the TPUD and the percentages.  
319 He would like to see variety in the facades of the PCD. Regarding the garages in the  
320 back along the Worthington Arms side, he is not opposed to it. He likes the open space  
321 concept.

322

323 Ms. Shields said if the plan stays within the NCD, the gross leasable square footage  
324 would be 3,000 SF. She said the rear yard setbacks are 100' from any planned residential  
325 districts. Mr. Faris said he believes the plan already meets that requirement. Ms. Shields  
326 asked the developer to provide as much detail as possible.

327

328 Ms. Shields likes the town center being a destination location, rather than something one  
329 simply drives through. She likes the concept of a community gathering area and she  
330 asked that the applicant adhere to the PCD design standards and density requirements.

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331 Ms. Brown said for the commercial districts, some potential uses were called out. She  
332 said she would hesitate to put uses such as a daycare there due to it being a high traffic  
333 area. Ideally there would be a playground in the open space.

334

335 Ms. Brown said she is glad they are giving access to Worthington Arms, even though it  
336 may bring more traffic there. Regarding four-sided architectural in commercial areas,  
337 there are no loading docks to screen.

338

339 Ms. Kaplan said a divergence is being requested from the 300' setback for the NAICS  
340 code 722. Mr. Faris that would be from Worthington Arms to the south, and the TPUD  
341 residential units.

342 Ms. Kaplan said there is an easement for the backage road along U.S. 23, and she asked  
343 whether the access to U.S. 23 was acceptable to the state. Mr. Faris said they are across  
344 from Grief Parkway, which may be shut down by the state.

345

346 Ms. Kaplan asked why the traffic study was so sparse. Mr. Mann said there are many  
347 unknowns about the development for the area and where traffic will go. The only thing  
348 that is required is that the developer install a west-bound left turn lane into the  
349 development from Peachblow Road. Everything else is large enough to accommodate  
350 them.

351

352 Mr. Shade said regarding the letter from the fire department, on the north side of the road  
353 going out to U.S. 23, Delco Water has requested to put a major trunk line across U.S. 23  
354 to the NCDCDT property, and eventually into Oak Park.

355

356 Mr. DeChristopher said the existing PCD has a couple of divergences. He did not have a  
357 lot of concern about the front setbacks. Regarding the NAICS codes, he would like to see  
358 721119 and 721191, which are, respectively, hotels/motels and bed and breakfasts  
359 removed, as this is supposed to be a residential area and that will increase the density.

360

**RESOLUTION 2024.02.13.#A: CONTINUE BZC 24-001, 24-002 & 23-003**

361 Ms. Kaplan made a motion to table and continue BZC 24-001, 24-002 and 24-003 to  
362 April 9, 2024 at 7:00 p.m. at Berlin Township Hall, 3271 Cheshire Road. Mr.  
363 DeChristopher seconded the motion.

364

365 Vote: Kaplan, yes; DeChristopher, yes; Shields, yes; Brown, yes. Motion carried.

366

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367

**AGENDA ITEM: OTHER BUSINESS**

368 Ms. Kaplan said that Ms. Shields suggested having some work sessions to dive into the  
369 zoning resolution, and they will try to do that at a public meeting as time allows.

370

371 Ms. Kaplan said the trustees would like the BZC to take a deeper look at the zoning  
372 resolution in the next year. Ms. Brown suggested using Google share drive to share ideas  
373 and documents with each other, and to help keep track of them.

374

375 There was no further business to come before the BZC. Ms. Kaplan adjourned the  
376 meeting.

377

378

379

380

\_\_\_\_\_  
Darcy Kaplan, Chairperson

381

382

383

384

\_\_\_\_\_  
Angela Brown, Vice-Chairperson

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388

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Jenny Sloas, member

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Jasper DeChristopher, member

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\_\_\_\_\_  
Tara Shields, member

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\_\_\_\_\_  
Keith Goshia, 1st alternate member

401

402

403

404

Attest: \_\_\_\_\_

405

Lisa F. Knapp, Berlin Township Zoning Clerk