

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO 43015

**REGULAR MEETING & HEARING
TUESDAY, APRIL 9, 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 Jenny Sloas, Jasper DeChristopher, Tara Shields.

7

8 Also present: Zoning Inspector Jerry Valentine, Zoning Secretary Cathy Rippel, Zoning
9 Clerk Lisa Knapp.

10

11 Not present: BZC alternate member Keith Goshia.

12

13 Ms. Kaplan read the adopted policy of the BZC.

14

AGENDA ITEM: APPROVAL OF MINUTES

15

16 Mr. DeChristopher made a motion to approve the minutes from the 3/12/24 BZC
17 meeting, as presented. Ms. Brown seconded the motion.

18

19 Vote: DeChristopher yes; Brown, yes; Shields, yes; Sloas, yes; Kaplan, yes. Motion
20 carried.

21

22

AGENDA ITEM: LEGAL NOTICE

23 Ms. Knapp the meeting was advertised in the Delaware Gazette in December 2023 as a
24 regular meeting. The hearing was tabled from February 20, 2024.

25

26 **AGENDA ITEM: BZC 24-001, BZC 24-002 & BZC 24-002 PEACHBLOW ROAD LTD.**
27 **REQUEST FOR PRELIMINARY DEVELOPMENT PLAN APPROVAL**

28

29 Ms. Kaplan noted that Ms. Sloas was not seated tonight because the county prosecutor's
30 office advised that she should recuse herself because she was not present at the last
31 hearing.

32

33 Todd Faris and Anna Vagas, with Faris Planning and Design, presented the applications
34 and answered questions from the Commission. Attorney Mike R. Shade, 236 West
35 Central Avenue, and Mark Mann, civil engineer with Advanced Civil Design, were also
36 present to answer questions.

37

38 Mr. Faris distributed revised documents and renderings to the BZC. Ms. Vagas said she
39 would address all of the items from the TPUD portion of the property and that there had
40 been changes to the application since the last hearing. She said units were removed from
41 the TPUD subarea. 17 units have been removed with 15 coming from the condominium
42 area and two from the townhome.

43

44 Ms. Vagas said the next suggestion was to remove some of the condos, expand the open
45 space, and add pickleball courts. She said the area was reconfigured so that the spaces
46 were more accessible instead of being sandwiched between the two lots. Now the open
47 space is fronted on the roadways and more open space to the south in order to create
48 more linear connections for the pedestrians in that area.

49

50 Ms. Vagas said the next suggestion was to include more group-oriented open space,
51 including shelter and activity areas. She has incorporated five shelters into the
52 reconfigured open space, and she pointed it out on the revised plan. Some of the open

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53 space has been revised to make it more of a place to be instead of just a walking path
54 through it.

55
56 Ms. Vagas said the BZC had asked whether there would be a clubhouse or a gathering
57 place for the condo owners. It was decided that it would contain a 8,000 SF-minimum
58 recreation facility that will serve the occupants of all of Oak Park and the surrounding
59 community as well. She said there was a question about the structure separation for the
60 condos, so there is now a 10' structure separation which will only apply to the
61 condominium area, and a 20' structure separation for the town homes, shown on
62 on page four of the development text.

63
64 Ms. Vagas said it was requested that the calculations for the net developable acreages be
65 provided. She said those have been provided in Exhibit C6. There was also a question
66 regarding whether a bridge over the stream could be added, and a pedestrian crossing in
67 the middle of the site was added.

68
69 Ms. Vagas said there was a question of whether there would be basements utilized in the
70 TPUD area. She said there could be, but that is definitely not a requirement. She said
71 there was a comment that the BZC would like to see all the townhomes abutting the
72 Berlin Meadows subdivision limited to two stories in height. She said that they have been
73 limited to two stories, and the interior ones would be allowed to be three stories. She
74 said a statement was added that the roof lines of the townhomes will be varied so that any
75 townhome building that is three stories shall have a varied roof line with a maximum
76 80% of the roof line aligned at the same height, and that variation in height will be a
77 minimum of at least 3'. This information is indicated on pages four and six of the
78 development.

79
80 Ms. Vagas said there was a comment that the BZC would like to see elevations of the
81 side and rear for the townhomes, and Exhibit G2 shows the side and rear townhome
82 elevations. There was also a request for the applicant to continue
83 conversations with Conner Lane neighbors to make sure they are buffered sufficiently.
84 The residents informed the applicant that they would like to see mounding and a variety
85 of evergreen trees to screen that area, and that has been proposed all along the boundary.
86 This is also shown on Exhibit 2.

87
88 Ms. Kaplan said some wetlands and the like were referenced, and she asked whether the
89 buildable area was calculated. Ms. Vagas said the net developable acreage does not
90 include the rights of ways, ponds, etc.

91
92 Ms. Shields said the applicants did a wonderful job in some areas, but she was still
93 concerned about the open space. Even though the pickleball courts are surrounded by
94 landscaping, she would like to see buffer zone for noise for the neighbors. She asked
95 what the distance from the adjacent homes was. Ms. Vagas said it is about 50' from the
96 corner of the lot. Ms. Shields asked whether there was additional buffering. Ms. Vagas
97 said there would be some fencing as well as trees and plantings.

98
99 Ms. Shields was concerned about people looking through windows while on the walking
100 path. She asked whether the fence would be a privacy fence. Ms. Vagas said it would be
101 four-rail fencing. She appreciated the open spaces being called out in the text, but they
102 seem small in comparison to the ponds. She asked about accessibility. Ms. Vagas said
103 there would be a sidewalk connection and the fence would be split in that area and there
104 would be a shelter area.

105
106 Ms. Shields said she could not see people using that shelter unless there was some
107 attraction to the open space. She likes the dog park area.

108

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109 Mr. Faris said that Epcon has little parkettes and people tend to become protective of
110 them as they are located throughout and people typically enjoy them. There are larger
111 gathering areas as well to the south.

112
113 Ms. Brown asked about the cul-de-sac, and whether there would be a picnic table there.
114 Ms. Vagas said that is a concept and there may be picnic tables. Ms. Brown said there
115 does seem to be enough grassy space to accommodate gatherings. She asked whether
116 there is fencing at the front. Ms. Vagas said there is fencing along Peachblow Road and
117 the main road.

118
119 Mr. DeChristopher said pictures of the shelter have been provided but he was not sure of
120 the sizes. He asked that the sizes be included. Ms. Vagas said the sizes have been
121 included in the development text. They range in size from 15' by 15' to 30' by 30'.

122 Ms. Shields said Olentangy Schools does attract kids, and so she would like to see a
123 larger playground like something that is seen at the Village of Olentangy Meadows.

124
125 Mr. DeChristopher said he definitely likes the upgraded amenities package, and what he
126 likes most about it that they made the stream a focal point between the two areas, by
127 adding a pedestrian bridge and being able to cross back and forth. This creates
128 walkability from one area to the other so people don't have to drive from one side to the
129 other. He likes the landscaping mounds in the sub areas that overlap visually and create
130 groups of mounds with different heights and landscaping.

131
132 Mr. DeChristopher said Exhibit G1, which is the condos, the front and the back
133 elevations were included but the side elevations were not added. All four sides of the
134 townhomes were provided, and he would like to see the same thing for the condos that
135 includes the architectural features. Mr. DeChristopher said in G2 the text of the roof line
136 variation was shown, but the picture in the middle is two stories and the roof is one solid
137 roofline part, and he would like to see that broken up just like the three stories. He
138 suggested perhaps incorporating dormers or gables to help break it up and add variety.

139
140 Mr. DeChristopher said examples of shelters and amenities were provided and he asked
141 why more than one type was provided. Mr. Faris said it was to create variety.

142
143 Mr. DeChristopher said the pond overlook seating includes a concrete pad, but number
144 eight appears to be just in the dirt with no landscaping and he was concerned about
145 upkeep and that turning into a muddy bog. Mr. Faris said that is ADA-compliant and
146 must be on a concrete surface.

147
148 Mr. DeChristopher said the divergences for the building heights, the 45' height would be
149 towards the internal spaces and 35' would be along Berlin Meadows. He did not have an
150 issue with that. Structure separation is tight, but it is internal. He did not really have an
151 issue with it. He said the verbiage on the divergence seemed to be requesting a
152 modification and change and it should be specified as a divergence in the plan. That will
153 also make it easier for the trustees to spot the divergences.

154
155 Mr. DeChristopher said he had a question about the rec center in the next section.

156
157 Ms. Sloas asked whether the townhomes with one car garages create parking issues.
158 There is off-street parking. Mr. Faris said there is a garage and a space behind it, which
159 is two spaces. There is some limited street parking. If many one-car garage units are
160 built, additional parking spaces would probably need to be provided for guests.

161
162 Ms. Shields suggested adding parking. Mr. Faris said the roads would be 26' wide for
163 the three-story building areas, so there would be a lot of parallel parking spaces.
164 However, he would address that.

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165 Ms. Brown asked what the space opposite the pickleball would be. Ms. Vagas said it
166 would be a small patio area and it would be paved. It would be an unprogrammed space
167 for that area. Mr. Faris said there would be tables and chairs there. Ms. Brown said she
168 is not as concerned with the walkway between, and she likes that better than the concept
169 of people having to walk around that portion. With this being a condo neighborhood,
170 people are used to the concept of everything being so close together. She really likes the
171 revised layout and she likes the smaller open park areas.

172
173 Ms. Brown said she is happy that the townhouses will be two-story and the rooflines will
174 be varied. She was concerned that the backs look plain, although the landscaping will
175 grow in the future. She likes the bridge, and it makes it much more useful. She likes the
176 fencing along the walkways.

177
178 Mr. Faris said regarding the pickleball court and pools, some residents fight over them
179 because they want to be right near it.

180
181 Ms. Kaplan said she likes the elevation and roofline varieties in the townhomes. She
182 asked whether there would be five units per building. Ms. Vagas said most of them will,
183 but building A could have more. Ms. Kaplan asked whether they would have five
184 driveways each. Ms. Vagas said they would. Ms. Kaplan asked whether each unit has an
185 individual back door. Ms. Vagas said there would be. Ms. Kaplan asked whether there
186 would be individual space for each unit. Mr. Faris said there would be fencing and a
187 patio for each unit. They usually come out 8-16'. There will also be landscaping and
188 they can access the pathways and sidewalks.

189
190 Ms. Kaplan said some of the townhomes will be up to 45' in height and she asked what
191 the layout of those three-story units would be in regards to bedrooms and living area. Mr.
192 Faris was not sure. He said the units would be individually owned and \$350,000-
193 400,000.

194
195 Ms. Kaplan said the NCD is included in the agenda, but it is her understanding that they
196 are withdrawing that portion of the application. Mr. Faris said that is correct.

197 Ms. Sloas asked how high the mounding was at the cottages from lots 4-18. Ms. Vagas
198 said it would be 3-4' in height. Ms. Sloas said she is glad that the density is not an issue
199 and said the open space looks great. She is concerned about the requested deviation in
200 structure separation from the 25' to 10'. The existing neighbors will have to look at
201 homes that are very close together. She said that is a big ask and other developers may
202 request it, and she suggested that the setbacks be larger in those sections.

203
204 Ms. Shields asked what the differences between the backs of the townhomes is. Ms.
205 Vagas said she thought it was 45'. Ms. Shields asked about creating a walking path
206 between the rear yard private areas in order to give access to the open spaces. Ms. Brown
207 said the back of the individual patio areas usually do not have a fence, just the sides.
208 That extra space provides more of a "visual lot."

209

210

Public Comment

211

212 Philip Germann, 774 Peachblow Road, owns a landscaping business. He said regarding
213 the parking situation it would be nice to have more designated parking. Regarding the
214 service vehicle issues such as landscapers, plumbers, electricians etc. will come with their
215 own trucks and trailers. This may cause a problem with the parallel parking situation.
216 He asked whether the zoning code has a minimum number of required parking spaces per
217 unit. Mr. Faris said it is two spaces.

218

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219 Mr. Germann asked whether they consider snow removal when they layout roads. Mr.
220 Faris said he cannot design a world around service vehicles. Mr. Germann suggested a
221 larger parking area every so many units.
222

223 Ms. Brown said between building 21 and 20 there is a wider green space that could be
224 individual car spaces. Mr. Faris said he would look at overflow parking.
225

PCD

226
227
228 Ms. Vagas said combining the NCD and PCD portions had been discussed, and that has
229 been incorporated into PCD. Thus, there would be only PCD and TPUD on the site.
230

231 Ms. Vagas said the variation in the mixed-use building roof lines was discussed and
232 Language has been added to the development text that indicates that any roof line that
233 exceeds 100' in length will include roofline variations and that will apply to the four
234 multi-family buildings.
235

236 Ms. Vagas said the NAICS code 722, food and drink, requires a 300' setback from any
237 surrounding existing residential districts, and she has included a divergence for that in the
238 text to be reduced to 100.' It would be a 0' setback from the internal TPUD district.
239

240 Ms. Vagas said there was a discussion regarding whether the garages along the south
241 would fall under accessory structures in the PCD. She said they reviewed the text and
242 did not see any mention of the accessory structures for garages, so the setback was not
243 changed.
244

245 Ms. Vagas said there was discussions regarding many divergences because of the NCD
246 being combined with the PCD, but as it stands, there are still only five divergences
247 requested, compared with 3 requested for the PCD and 6 for the NCD.
248

249 Ms. Vagas said there was a discussion regarding the restrictions of the uses on the site
250 including restrictions to a daycare use, and that has been removed and that is on page 14
251 of the PCD text. There was also a conversation about what happens to the four sided
252 commercial when delivery trucks come and possibly not having dedicated loading zones,
253 and language has been added that state that the loading area shall be detailed and
254 indicated on the final development plans when final users are known. All of the loading
255 areas shall be appropriately screened and located to not interfere with adjacent residential
256 areas; this is indicated on page 4 of the development text.
257

258 Ms. Vagas said there were discussions regarding the traffic study completeness, and that
259 has been provided as part of this submission in Exhibit E10. The NAICS codes for hotels
260 and motels as well for a bed and breakfast have been removed from the plan.
261

262 Ms. Kaplan asked for an overview of the project itself. She said there are two buildings
263 in the center with one being L-shaped and one is a rectangle above it, and she asked if the
264 apartments would be added there. Ms. Vagas pointed out the four multi-family buildings,
265 and said buildings 1 and 4 would be purely apartments, and two and three would have
266 commercial on the first floor and apartments on the second and third floor.
267

268 Ms. Vagas said the l-shaped building is larger and the concept area would be a boutique
269 grocery store and three out lots on the side. They would be about 10,000 SF in
270 standalone commercial buildings. She clarified that the three-story buildings would be
271 45' tall.
272

273 Ms. Shields had questions about the traffic impact study. Mr. Mann said a single lane
274 roundabout is more than adequate to handle traffic in that area. A truck apron will be

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275 built, which is a piece that larger vehicles can drive on when necessary as they navigate
276 the circle.

277

278 Ms. Shields had concerns about the rear view of the buildings. She asked whether there
279 would be mounding so people would not be staring into both garages in the rear. Ms.
280 Vagas said there was no mounding but there would be shade and evergreen trees 12' on
281 center. Ms. Shields suggested adding larger shrubs to the area as well that could fill in
282 those areas.

283

284 Ms. Shields asked whether the central green space had been changed. Mr. Faris said it
285 did not.

286

287 Ms. Shields asked about additional parking for people coming from the TPUD down to
288 use that central green space. Mr. Faris said there is central parking at the central green
289 space. The parking ratio shown accounts for the units as well as commercial
290 requirements.

291

292 Ms. Shields asked for more information regarding the rec center. Mr. Faris said the
293 developer has a development in Plain City with a rec center that has badminton and
294 volleyball courts, table tennis, pickleball, etc. although this will be a smaller version of
295 that. There will also be meeting rooms and other gathering spaces.

296

297 Ms. Shields asked whether the entire community would have access to that. Mr. Faris
298 said there would be memberships that are discounted for members who live here. He said
299 it would be about 8,000 SF and will be designed for a mixture of activities and age
300 groups.

301

302 Mr. DeChristopher had concerns about the viewable elevations because the buildings are
303 located up towards the road with parking behind. The elevations should be the same on
304 all four sides of the building. He likes the common green space with the parking around
305 it and also that there is green space that provides buffering to the south and west.

306

307 Mr. DeChristopher said when the uses were adjusted, not only did the developer take care
308 of the ones they wanted but they also took out some of the less desirable uses such as gas
309 stations, auto dealers, storage units, etc. in order to create more of an
310 office/retail/commercial uses versus more of an industrial use.

311

312 Mr. DeChristopher said regarding the building design for the apartments, they mentioned
313 studio apartments roughly about 590 SF and one bedroom around 680SF. However, the
314 minimum in the zoning resolution for other places is typically about 800 SF.

315

316 Mr. DeChristopher said there was no breakdown regarding how the developer would do
317 those buildings residentially; which buildings would have which types of units? He
318 would like to see the breakdown for one, two and three bedroom units and their locations.

319

320 Mr. DeChristopher said asked whether the rec center would be in one of the commercial
321 buildings. Ms. Vagas said it would be in building #3. Mr. DeChristopher said he would
322 prefer that the first floor of all four buildings would be commercial. That would create
323 uniformity as well. An 8,000 SF rec center may take up the entire first floor of one of
324 those buildings.

325

326 Mr. DeChristopher said regarding divergences for the building setbacks, he did not object
327 to that.

328

329 Ms. Kaplan asked whether the drives on the south are for residents in building four. Mr.
330 Faris said it was for buildings three and four. Ms. Kaplan asked whether the apartments

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331 would have interior or exterior stairs. Mr. Faris said they would have interior stairs and
332 interior hallways. Ms. Kaplan said she appreciated the work on the NAICS codes.

333

334 Ms. Kaplan asked about stone headwalls. Ms. Vagas said that it was included at the end
335 of the open space descriptions.

336

337 Ms. Brown said she would like to see the numbers as well. She understands the potential
338 of too much commercial and how it could turn into a ghost town. She would like to
339 ensure there is a variety of apartments and not just all studios. Mr. Faris said he thought
340 it was predominantly two-bedroom units with 25-35% on bedroom units, and some three-
341 bedroom units, although that will be limited.

342

343 Mr. Shade noted that the residents of the mobile home park have been contacted and they
344 do know about this. They were promised access to a light 23 years ago, and ODOT never
345 delivered.

346

347 Mr. Shade said that regarding the adjacent landscaping business with septic system, they
348 have an agreement in place to remove the septic system from their property, they will
349 vacate the easement, and they will connect the building that is serviced by that with
350 sanitary service. Mr. Faris said the units on that property were also removed.

351

352 Ms. Sloas said she would like to know the bedroom unit counts as well. She asked which
353 buildings would be 45' in height. Mr. Faris said they all would. Ms. Sloas said it looks
354 nice.

355

356

Public Comment

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358 Len Bussard, 305 Conner Lane, said on the Oak Park PCD recommendations, in the
359 upper left corner there are signage and entry features, and over to Road C, and he asked
360 what that is. Mr. Faris said that is a label that points over to their house, but it will extend
361 over there.

362

363 Mr. Bussard asked whether Exhibit 10 Traffic Study was included. Mr. Faris said it was
364 not included in the copy he has but was included in the application and it is online.
365 Bussard said Conner Lane was not addressed in the traffic study.

366

367 Ms. Shields said that PCD does not technically allow residential and that is a large
368 divergence. She suggested the applicant look at the BCO for suggestions on the
369 apartments.

370

371 There was a discussion about tabling the application so the comments and questions
372 could be addressed in a revised plan. It was agreed to table the hearing to Tuesday, April
373 23, 2024 at 7:00 PM. With the revised materials being submitted no later than April 16,
374 2024.

375

376

**RESOLUTION 2024.04.09.#A: TABLE BZC 24-001, 24-002 AND 24-003
TO 4/23/24 AT 7:00 P.M.**

377

378

379 Ms. Kaplan made a motion to table BZC 24-001, 24-002 and 24-003 to April 23, 2024 at
380 7:00PM. Ms. Shields seconded the motion.

381

382 Vote: Kaplan, yes; Shields, yes; Brown, yes; DeChristopher, yes.

383

384 Motion carried.

385

386

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AGENDA ITEM: OTHER BUSINESS

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Mr. Valentine said there are many candidates for the township administrator position and they are being interviewed.

He said the electric power lines that were blown down by the recent tornado will be replaced in the next two to three months.

There has been a request for temporary parking for the Blaze soccer group due to this, and residents have been requesting assistance with cleanup issues.

Any street signs that have been damaged will be replaced.

At least one BZC alternate candidate has been interviewed.

The May 28, 2024 BZC meeting was rescheduled to Wednesday, May 29, 2024 due to a conflict with a trustee meeting.

There was a discussion about having a work session and open dialogue about landscaping at the next meeting.

The next BZC meeting will be on Tuesday, April 23, 2024 at 7:00 PM.

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

Darcy Kaplan, Chairperson

Angela Brown, Vice-Chairperson

Jenny Sloas, member

Jasper DeChristopher, member

Tara Shields, member

Keith Goshia, 1st alternate member

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