

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO 43015

**REGULAR MEETING & HEARING
TUESDAY, APRIL 23, 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 Vice-Chairperson Angela Brown at 7:00 PM.

4

5 BZC members present: Vice-Chairperson Angela Brown, Jenny Sloas (not seated), Jasper
6 DeChristopher, Tara Shields.

7

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

9

10 Not present: Chairperson Darcy Kaplan, BZC alternate member Keith Goshia.

11

12 Ms. Brown read the adopted policy of the BZC.

13

AGENDA ITEM: APPROVAL OF MINUTES

14

15 Ms. Shields made a motion to approve the minutes from the 4/9/24 BZC meeting, as
16 presented. Mr. DeChristopher seconded the motion.

17

18 Vote: Shields, yes; DeChristopher yes; Brown, yes. Motion carried.

19

20

AGENDA ITEM: LEGAL NOTICE

21 Ms. Knapp the meeting was advertised in the Delaware Gazette in December 2023 as a
22 regular meeting. The hearing was tabled from April 9, 2024.

23

**AGENDA ITEM: BZC 24-001, BZC 24-002 & BZC 24-003 PEACHBLOW ROAD LTD.
REQUEST FOR PRELIMINARY DEVELOPMENT PLAN APPROVAL
(CONTINUED FROM 4/9/24)**

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26

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

31

32 Ms. Vagas displayed a PowerPoint presentation and reviewed the revised applications.

33

34

TPUD

35

- Revised side elevations for the condominiums were shown.

36

37

- Language has been added to page 7 that the two story buildings shall have two options for varied rooflines.

38

39

40

- The divergence requests was clarified to be more clear on pages 4 and 5 of the TPUD text and 6 and 7 of the PCD text.

41

42

43

- 25 parking spaces have been added to the townhome area throughout the area.

44

45

- Two playgrounds have been added, one in the condo area, and one in the townhome area.

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47

48

- Regarding the purpose of the patio by the pickleball courts, it has been revised to put a playground there instead.

49

50

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- 51 • The shelter sizes have been described in the text and plans, and the minimum
52 number of benches and tables are also shown in exhibit C2 and C3 of the TPUD
53 development plan

54 PCD

- 55
- 56 • The elevations of the garages on the south have been provided in Exhibit G1.
57
- 58 • There was a request to have shrubs shown on the southern buffer underneath the
59 shade trees and this is now shown in the buffer plan, exhibit D6.
60
- 61 • The breakdown of the percentage of the multi-family units has been shown in the
62 text to be a maximum of 194 apartments in subarea A, with a maximum of 10
63 units to be studio units, and up to 10 units that would have three bedrooms. The
64 remainder will be 40% one-bedroom units, and the rest will be two-bedroom
65 units. There will be one and two bedroom uuunits in every building, and studio
66 and three-bedroom units may not be located in every building.
67
- 68 • The location of the 8000 SF recreational facility has been on the plans, in Exhibit
69 C2.1.

70 Commission Consideration

71

72 Ms. Shields was happy to see the playgrounds in the plan. Regarding the townhomes, the
73 text states that one parking space in the driveway with a minimum of two spaces per unit,
74 but 30% of all the townhomes will have two parking spaces in the driveway, and also two
75 in the garage, for a minimum of four parking spaces. Section 24.01 of the zoning
76 resolution states that three spaces are required per non-single family unit, so that needs to
77 be corrected or a divergence requested.
78

79 Ms. Shields said the text indicates that the proposed net density of the site shall be 4+
80 units per developable acre. It states that if, during final development plan preparation,
81 units count and either the cottages or the villages need to be adjusted to accommodate site
82 constraints and engineering, the units may be shifted from one area to the other so overall
83 count of units as approved at the primary development plan is not exceeded.
84

85 Ms. Shields said she understood not exceeding the number of units approved, but for the
86 developer to be able to shift them after the preliminary development plan has been
87 approved is unnerving. The plan should be developed as approved.
88

89 Mr. Faris said three lots were relocated from the northern portion to the southern area due
90 to the sanitary septic tank issues, and he could see minor adjustments occurring like that
91 in the future. Technically, they could add those three back now that the septic field is
92 being vacated. Ms. Shields was concerned because divergences are requested for the
93 separation between the homes, more square footage, and the height of the homes, and
94 now the applicant wants to make more changes in the future. She would like to see
95 something that is more set in stone.
96

97 Ms. Shields said the exterior appearance of materials language states, regarding finish,
98 that building materials shall be applied to all sides of the exterior building. Colors of
99 building materials shall be harmonious and compatible with color of the natural
100 surrounding and of the adjacent building and improvements. Ms. Shields said the colors
101 are stated, but that text is so broad that there are no parameters set for it. It is not black
102 and white and is not what was approved. Mr. Faris suggested putting a limit on the

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103 number of units that may be changed later, such as five. Final engineering can change
104 circumstances depending on what is found later, he said.

105

106 Mr. Faris said regarding the parking, three spaces are required per unit. He said there are
107 three per unit overall. Ms. Shields said these units will be individually owned so there is
108 not an open area where the parking spaces can be used by anybody and there is no
109 specific space for parking for visitors. Mr. Faris said he would need to request a
110 divergence for that.

111 Ms. Shields said Section 24.03 of the zoning resolution clearly states that there needs to
112 be 25' in-between units, so 10' is an extreme divergence. The setback is necessary for
113 reasons such as fire safety, and in the past, developments have been denied by the
114 township due to being so close together.

115

116 Mr. DeChristopher said the sight lines from Worthington Arms were added to the plan.
117 He has few qualms about the TPUD and the divergences, except the reduction in the
118 spacing between the units from 25' to 10'. He appreciated the breakdown for the PCD
119 units. He does not have many concerns about the height divergence and other
120 divergences. The studio apartments are a gray area, and it is not certain whether they
121 meet the requirements of the zoning resolution. The one-bedroom square footage is a
122 minimum of 800 SF and the applicant is requesting 680 SF. Mr. DeChristopher loves
123 the overall design and the amenities, but these two areas are of concern for him.

124

125 Ms. Brown said she agrees that this is a really wonderful plan. She asked whether the
126 sizes of the 590 SF studio and 680 one-bedroom SF units is common in other areas. Mr.
127 Faris said those numbers are common in the rental community. He said that everybody is
128 price conscious, and increasing the size will increase the cost to the tenants. He said the
129 10' side separation is from the fire code, and that there can be no openings for anything
130 under 10' unless they are fire rated. Larger yards are more difficult to maintain and cause
131 additional expense. People living in this development would prefer to have open space
132 rather than increased side yards. He may as well develop single family lots if that is
133 required.

134

135 Ms. Brown said she understands that shifting can occur, but she would like no more than
136 two units to be affected.

137

138 Ms. Brown said she is uncomfortable by the parking space situation. Because the units
139 will be owned. She understands they do not want a sea of pavement. She asked if there
140 was anywhere else some spaces could be provided. Mr. Faris said the buyers are buying
141 the unit with a driveway and a garage, not an additional parking space. Ms. Shields said
142 if two people live there, those spaces are already full. Mr. Faris said there is space
143 between each set of buildings where they could put one or two. There are typically a
144 handful of parking spaces placed around these. In the real product world, buyers know
145 they are getting two spaces. 30% of the units will have a one-car garage. Mr. Faris said
146 there are places to add more spaces.

147

148 Ms. Brown said she likes the playground in the townhome area. However, that also
149 invites visitors to the shopping area to use that area. She suggested that the backs of the
150 townhome face inward so the playground is more in the backyard of the townhomes. Mr.
151 Faris said that would eliminate a road. Ms. Brown said that would help make the
152 playground be more for the townhomes, versus an open playground for everybody.

153

154 Mr. Mann said that the Caldera one-bedroom apartments on U.S. 23 are 600-680 SF. The
155 units at a similar development across the street are 600 SF and that seems to be fairly
156 consistent for the area. Mr. Faris said larger apartments will cost more. Ms. Shields said
157 that the extra space may be desirable. Perhaps some could be smaller, but the larger units
158 could also be offered.

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159 Ms. Sloas objected to the reduction of the side yard separation to 10'. She did not want
160 to drive down Peachblow Road and see that separation. 25' to 10' is a huge difference,
161 and it impacts the rural appearance of the community. It will also set a precedent for
162 future development.

163

164 Mike Shade said this is more of an urban setting as it is just 750' from US 23. There are
165 businesses nearby. There is a huge demand for more affordable housing.

166

167

Public Comment

168

169 Karen Vollmecke, 275 Conner Lane, said she lives in a condo at the Village of Deer
170 Creek. There was little space between the buildings, but there was a lot of open space
171 and she really liked that. Parking could be an issue, but she really loved the open space.

172

173 Sharon Bussard, 305 Conner Lane, asked about tiles in the farm field. She asked whether
174 there would be basements in this development. Mr. Faris said there may be. Ms.

175

176 Bussard asked if farm fields are uncovered during excavation, how would they be dealt
177 with? Mr. Mann said they would intercept the flows and directed into the basins. They
usually do not know where they are until they are encountered during construction.

178

179 Dale Filby, 345 Conner Lane, asked where the mounds would be built. Mr. Faris said
180 there would be a mound with evergreen and shade tree behind the condos.

181

182 The conditions were reviewed. There was a brief recess to write up the conditions.

183

184

185

RESOLUTION 2024.04.23.#A: BZC 24-002

186

187 Mr. Faris requested the withdrawal of BZC 24-002.

188

189 Ms. Shields made a motion to withdraw BZC 24-002, as requested by the applicant. Ms.
190 Brown seconded the motion.

191

192

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

193

RESOLUTION 2024.04.23.#B: APPROVE BZC 24-001 AND BZC 24-003

194

195 Ms. Brown made a motion to approve BZC 24-001 and BZC 24-003, with the following
196 conditions, which were written and signed by Todd Faris, Ms. Brown, Ms. Knapp, and
197 Kiran Basireddy:

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- 1) Maximum fluctuation of 2 units for the Villages and the Cottages as described on page 5 of development text.
- 2) Playground in Villages will be mirrored with building 10, so that the playground will be even in between the townhomes.
- 3) Minimum 25% of one-bedroom units in the Flats will be minimum of 800 SF.
- 4) There will be three spaces for each unit that has a 1-car garage to include the garage, the space behind the garage, and one additional space located throughout the townhome site (surface site).

207

Mr. DeChristopher seconded the motion.

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209

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

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213

Mr. DeChristopher said he would like to explain why he voted to approve the application. He is still apprehensive about the unit spacing and the size of the units. However, this plan and the product they are putting together is unique, and is one of the better plans he

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214 has seen. Berlin Township has asked for a town center, and this has a roundabout with
215 the oak tree, the community park, the commercial space, the living space, and the
216 walkability. This is the first application anybody has brought to them that has the
217 township center concept feel.

218

219 Mr. DeChristopher said the recreational center, the oak tree conservation area, the
220 community park and commercial space with living space above it has a real community
221 feel. He also appreciates the number of amendments to the applicant and the applicant's
222 willingness to negotiate with the applicant, including reducing the number of units,
223 working on the heights, the open spaces, the walkability, the bridge, the dog park, the
224 architecture, etc. This development will add some diversity to the township, and is much
225 more amenable to the residents.

226

227

AGENDA ITEM: OTHER BUSINESS

228

229 Mr. Valentine noted that the trustees are interviewing for the administrator position and
230 BZC alternate members.

231

232 There was additional discussion.

233

234 The next BZC meeting will be on Tuesday, May 14, 2024 at 7:00 PM.

235 There was no further business to come before the BZC. Ms. Brown adjourned the
236 meeting.

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240

Darcy Kaplan, Chairperson

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Angela Brown, Vice-Chairperson

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247

248

Jenny Sloas, member

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Jasper DeChristopher, member

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Tara Shields, member

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260

Keith Goshia, 1st alternate member

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

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