

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO 43015

REGULAR MEETING

TUESDAY, AUGUST 8, 2023: 7:00 PM

1 CALL TO ORDER

2 The meeting was held at Berlin Township Hall, 3271 Cheshire Road, and was called to
3 order by Angela Brown at 7:00 PM.

4
5 BZC members present: Angela Brown, Jenny Sloas, Keith Goshia, BZC 1st alternate
6 Jasper DeChristopher (seated), BZC 2nd alternate Tara Shields (seated).

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

9
10 Not present: Chairperson Jerry Valentine, Vice-Chairperson Darcy Kaplan.

11 **AGENDA ITEM: PROOF OF PUBLICATION**

12 Ms. Knapp said this hearing was advertised in the July 22, 2023, Delaware Gazette, as
13 follows:

14
15 *BERLIN TOWNSHIP ZONING COMMISSION*
16 *NOTICE OF PUBLIC HEARING*

17
18 *The Berlin Township Zoning Commission will hold a public hearing August 8, 2023, at*
19 *7:00 p.m. at the Berlin Township House located at 3271 Cheshire Road Delaware*
20 *OH 43015 to review application, designated as BBP 23-003, filed by N Old State, LLC.,*
21 *(Brent & Jordan Yates) 3216 S 3B's & K Road, Galena, OH 43021. The applicant is*
22 *requesting an administrative review for a Multi-Family Residential Development, Parcel*
23 *#41812001009002, 41812001012002, & 41812001011000 ±31.683 acres, zoned Berlin*
24 *Commercial Overlay (BCO)/R-10, N Old State Road, Delaware, OH 43015. For*
25 *questions, call Jake Bon, Zoning Inspector at 740.548.5217 x103. You can find the*
26 *packet on the Berlin Township website www.berlintwp.us under the agenda and meeting*
27 *tab Architectural Review Board. After the conclusion of the hearing, the administrative*
28 *review matter will be submitted to the Berlin Township Board of Trustees for their*
29 *action. The person responsible for giving notice of the public hearing by publication is*
30 *Cathy Rippel. Township residents are encouraged to attend.*

31
32 *BERLIN TOWNSHIP ZONING COMMISSION*
33 *JERRY VALENTINE, CHAIR*

34
35 **AGENDA ITEM: APPROVAL OF MINUTES**

36
37 Mr. DeChristopher made a motion to approve the minutes from the 7/25/23 BZC meeting
38 as presented. Ms. Sloas seconded the motion.

39
40 Vote: DeChristopher, yes; Sloas, yes; Goshia, abstain; Shields, yes; Brown, yes.

41
42 **AGENDA ITEM: BZC 23-003, NORTH OLD STATE ROAD**
43 **MULTI-FAMILY ADMINISTRATIVE REVIEW**

44
45 *BBP 23-003, filed by N Old State, LLC., (Brent & Jordan Yates) 3216 3B's & K Road,*
46 *Galena, OH 43021. The applicant is requesting an administrative review for a Multi-*
47 *Family Residential Development, parcel #418-120-01-009-002, 418-120-01-012-002 &*
48 *418-120-01-011-000 +31.683 acres, zoned Berlin Commercial Overlay (BCO)/R-10,*
49 *N Old State Road, Delaware, OH 43015.*

50
51 Ms. Brown said this is in the Business Park and the application has gone through the
52 ARB process. This is in the BCO as an R-10 district and located on the other side of the
53 Savko concrete property on North Old State.

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54 Jordan Yates and Todd Faris presented the application and answered questions.
55 Engineers David Ruma and Terry Andrews, 485 Metro Place South, Dublin,
56 were also present to answer questions.

57
58 Mr. Yates said this has been a long process and he is excited to be here. He acquired the
59 subject property land in 2017 and was looking for a place to build a home. He moved in
60 right down the street. He loves the area, and his children attend Berlin high school,
61 Berkshire middle school, and Johnnycake Corners elementary. He is happy to see the
62 area developing.

63
64 Mr. Yates said there is nothing when one crosses the lake all the way to the east side of
65 Delaware. He wants to be first and set the tone and be a gateway into the area as it
66 develops. He has worked very hard to make this project useful. He had to figure out a
67 waterline solution with Delco Water; there will be a 6500' extension that is coming off of
68 Lackey Old State. It is oversized and will be able to feed additional development in the
69 area all the way along 36/37.

70
71 Mr. Yates said he is working with the Delaware County Regional Sewer District to get
72 sewer for the property. It will run to the east, cross Alum Creek and tie into a lift station
73 on Africa Road. It will also be oversized in order to service additional development in
74 the area. This development will be able to help a lot of other projects come to the area.

75
76 Mr. Yates said the property consists of three parcels. There will be 10 multi-family
77 buildings with a total of 250 units. The net density is 8 units per acre. There is a central
78 green space in the middle. There is a ravine and old-growth forest with massive trees.
79 He wanted to keep that natural area that is all around them.

80
81 Mr. Yates said the ARB (Architectural Review Board) has requested a walking trail,
82 which has been added. There are slopes that prohibit that in some areas but they were
83 added in another area. There is a secondary green space on the southern side, and the
84 centerpiece of the development will be the 7000 SF clubhouse with a large pool. This is
85 a resort-style development with many interior amenities. This will be an incredible
86 development with nice exterior materials and thoughtfully laid out. It will be an asset for
87 the community.

88
89 Mr. Faris distributed information to the BZC. He said the path has been included as an
90 exhibit. It will be a 5' wide path. There will be three benches. They are preserving
91 ravines in the area. The environmentally sensitive areas such as the ravines and wetlands
92 were discussed. There is a watercourse and also 20% slopes. Some will be impacted and
93 that has been detailed.

94
95 Mr. Faris said he has provided a letter from their environment engineer that indicates the
96 methods that will be used to mitigate that, including purchasing wetlands in a local
97 wetland bank. The 20% slopes are not regulated although they try to stay out of them.

98
99 Mr. Faris said 8" of stone and 2" of asphalt are indicated for paving. He is using roller-
100 impacted concrete which is stronger. Their civil engineer has provided a structural
101 comparison that shows that the roller-impacted concrete is stronger. Mr. Faris said that
102 roller-impacted concrete is becoming the standard in Delaware County for public roads.

103
104 Mr. Faris said there are different requirements for lighting depending on whether the
105 property is residential or commercial and they needed to use the commercial ones. They
106 had to find lights that met the 1600 lumen requirements. He found out there is not a
107 commercial lighting fixture that meets that requirement. He did research and learned that
108 1600 lumens is about the equivalent to a 100 watt lightbulb. He found one that is about
109 2500 lumens, and that is the lowest he could find in the entire region. They are LED

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110 lights. He wondered whether they needed to request a divergence, and it seemed to be a
111 safety issue.

112

113 Ms. Brown agreed it was a safety issue. When the guidelines were created, there was a
114 concern about light pollution, keeping a rural feel, and still being able to see the stars.
115 However, if the lighting is not correct, the township needs to go back and look at it. Mr.
116 Faris said the lowest wattage for LED is 22 watts. He said he would request a divergence
117 for around 3000 lumens.

118

119 Mr. Yates asked what amount of lighting is typical for residents of a multi-family
120 development to feel safe at night. Mr. Ruma said there will be lights on the building and
121 the parking lot will need to be lighted for safety including to see snow and ice during the
122 winter. However, he will not over-light the area and cover it with lights.

123

124 Mr. Ruma said they use the downlights so there is no spillover of light offsite. Mr. Faris
125 said that area calls for 12' poles and 1600 maximum lumens, so that is short pools of
126 light. Mr. Ruma said a 100' watt light bulb on a 12' tall pole would not add much
127 illumination on the ground and 100's would be necessary.

128

129 Mr. Yates said perhaps prior to committing to 2800 lumens, perhaps he could recommend
130 something that would work for both safety and also avoid light pollution. Mr. Ruma said
131 the standard is about 14' and perhaps the brightness would be brighter. He can provide
132 more information as well as the locations on the plan.

133

134 Ms. Sloas asked the applicant to do research to find out that other areas with apartments
135 in rural areas are using and present that to the trustees to see what they are comfortable
136 with. Mr. Yates asked if the research included the industrial overlay or the commercial
137 components of the commercial overlap as there is commercial right across the street and
138 they are at a higher threshold. Mr. Faris was not certain of the details. Mr. Yates said
139 there may be a happy medium between the uses that could be proposed.

140 Mr. Faris said a divergence was also requested to be able to use Hardiplank in horizontal
141 or vertical mountings. Mr. Yates said the industrial overlay allows cement board, but in
142 the commercial overlay, everything other than R-4 and R-10 allows it. He wondered if
143 that was an oversight in the language. Ms. Brown thought it was an oversight.

144

145 Mr. DeChristopher said he had questions about the dog park and access to it, but it has
146 been fixed with a pathway so people do not have to walk through the parking lots to get
147 there. There are now sidewalks on the other side by building 8.

148

149 Mr. DeChristopher said he had been concerned about the stream next to building 5 as it
150 showed in the old drawing that it would go through the corner of the building, but it is
151 now shown as being remediated.

152

153 Mr. DeChristopher said regarding usable green space, he likes that they have added the
154 path. However, if he looks to the southeast where the central green is located, to the
155 north is a dog park and some benches have been added, but he would like to see more of
156 a defined area like they have in the pergola areas, near the retention pond. He said
157 perhaps it could be located between building 7 and the mound.

158

159 Mr. DeChristopher said he liked that the mail kiosk is in the clubhouse where there will
160 be parking. He asked whether there were two mail kiosks. Mr. Faris said there were not
161 but there is an errant label that indicates the original location of the kiosk. That will be
162 removed.

163

164 Mr. DeChristopher said there is a statement in the code regarding any buildings that face
165 36/37, so building 1 should be designed so that looks like the front of the building. He

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166 said with all the architectural detail, it is actually hard to tell which side is the front or the
167 back, other than the stairways. The buildings and the entire project look good.

168
169 Ms. Sloas asked whether the light poles would be more like 20' and what the ideal height
170 would be. Mr. Faris said 14' or less would be good because they do not need a special
171 truck to change light bulbs. Mr. Ruma said 14' is adequate but the 12' can be complied
172 with.

173
174 Ms. Sloas said the designs is nice and she likes the sleek look of it. She thinks the
175 Hardiplank is a good addition.

176
177 Mr. Goshia said he is glad to see a proposed emergency exit but he would like it to be
178 implemented and not proposed. He asked whether the dog park would be split between
179 large and small dogs. Mr. Ruma said he has done it both ways in the past and there has
180 not been a problem. Mr. Goshia asked whether the sidewalk could be finished along the
181 side of the road so there is a loop. Mr. Faris said there is a slope and the topography
182 would make that difficult. He said perhaps a crosswalk could be added. Mr. Faris said it
183 may be possible to put it in the tree lawn.

184
185 Ms. Shields asked about the trash compactor and whether it was enclosed and the only
186 location for that. Mr. Ruma said it was and that it would be screened, including the bulk
187 items. Ms. Shields said the development looks great and it sets the bar high.

188
189 Ms. Brown said on the first page, the first building in section 6, the third one back feels
190 more like the bottom one is the front because you do not see the stairs, and she asked that
191 it be situated so it looks like the front. There was additional discussion.

192
193 Ms. Shields said the maximum lumens for a lightbulb for commercial buildings is 3000
194 lumens.

195
196 Ms. Brown said she likes the clubhouse and the building style, but it looks very modern
197 with the flat roof. She did not think the trustees would have a problem with it, but it does
198 look very modern.

199
200 Ms. Brown said she likes the idea of small and big dog sections of the dog park, as people
201 can be sensitive about that. She asked whether it was able to be split without making it
202 too small. Mr. Faris said it could be made larger. Mr. Ruma said it could be expanded.
203 Mr. Faris said there is no size limitation and could make it larger. It will be fenced and
204 have grass. Ms. Brown said she would like to make sure dogs of medium and small size
205 feel protected.

206
207 Ms. Brown said between buildings 1 and 2, and on the opposite side in the green space
208 there are black things. Mr. Faris said those are pergolas or trellises that are seating areas
209 with benches. There would be two benches underneath the pergola in the central green
210 space and two along the lake. However, he does not see any others on the pathway or in
211 the central green. Ms. Brown said she does not want to clutter the area, but the trustees
212 may want more benches. She said people being able to live there an feel like they are
213 right with nature will be very cool for this property.

214
215 Ms. Brown asked whether there would be a watering station in the dog park. Mr. Ruma
216 said it would depend on whether there was a reasonable place to get water although it
217 would need to be winterized. It depends on whether it would work or not.

218
219 Mr. Goshia asked whether the owner intends to sell the property once developed or to
220 keep it. Mr. Yates said they intended to hold it. Mr. Goshia asked whether there would
221 be a sign on 36/37. Mr. Ruma said he did not think that was permitted. Ms. Brown said

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222 it would only be permitted on North Old State Road, as that is where the entry is. There
223 was a question about whether the ponds could be illuminated. Mr. Ruma said it is a nice
224 feature if allowed.

RESOLUTION 2023.08.08.#A: RECOMMEND BBP 23-03

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226
227
228 Ms. Brown made a motion to recommend approval to the township trustees of application
229 BBP 23-03 with the following conditions:

- 230
- 231 ➤ Continuing the path running south of the clubhouse with a minimum width of 4'
232 up to an ideal width of 5' if feasible based upon topography and it will be adjacent
233 to the roadway.
 - 234
 - 235 ➤ Continue to review appropriate maximum lumens and height to ensure safety
236 while taking into account light pollution for R-10.
 - 237
 - 238 ➤ Addition of pergola similar to those at the south green space shall be located
239 between the dog park and the retention pond.
- 240

241 Ms. Sloas seconded the motion.

242
243 Vote: Brown, yes; Sloas, yes; DeChristopher, yes; Goshia, yes; Shields, yes. Motion
244 carried.

AGENDA ITEM: BZC 23-004 REVISED CLUP 2023

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247
248 *BZC 23-004-Revised Comprehensive Land Use Plan 2023 and the Comprehensive Land*
249 *Use Plan 2023 map initiated by the Zoning Commission July 11, 2023.*

250
251 Ms. Brown said all changes have been made to the CLUP (Comprehensive Land Use
252 Plan). It was agreed it was time to pass it along to the trustees to take the next step.

RESOLUTION 2023.08.08.#B: RECOMMEND BZC 23-004, 2023 CLUP, TO TRUSTEES

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254
255
256 Ms. Brown made a motion to accept BZC 23-004, 2023 CLUP plan, and map printed by
257 the DCRPC on 8/7/23, and send to the trustees for their action. Mr. Goshia seconded the
258 motion.

259
260 Vote: Brown, yes; Goshia, yes; Shields, yes; DeChristopher yes; Sloas, yes.

AGENDA ITEM: OTHER BUSINESS

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262
263
264
265 Ms. Rippel said Kim Trackers is present and she is the fifth member of the Architectural
266 Review Board. The BZC congratulated her.

267
268 The next BZC meeting will be held on Tuesday, August 22, 2023 at 7:00 PM. BZC 18-
269 003 Final Development Plan for Berlin Farms West 2 will be heard.

270
271 Ms. Rippel said the AT&T properties application will be heard on September 26, 2023
272 BZC meeting. The preliminary plan was approved in 2016. There is currently nothing
273 on the September 12 BZC date.

274
275 There was no further business to come before the BZC. Ms. Brown adjourned the
276 meeting.

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Jerry Valentine, Chairperson

Darcy Kaplan, Vice-Chairperson

Angela Brown, member

Jenny Sloas, member

Keith Goshia, member

Jasper DeChristopher, 1st alternate member

Tara Shields, 2nd alternate member

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