

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO 43015

REGULAR MEETING

TUESDAY, OCTOBER 26, 2021: 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 at 7:00 PM.

Mr. Flaherty led meeting attendees in the pledge of allegiance.

BZC members present: Chairperson Steve Flaherty, Vice-Chairperson Jerry Valentine BZC member, Darcy Kaplan, Christina Littleton, Angela Brown.

Also present: Zoning Inspector David Loveless, Zoning Secretary Cathy Rippel, Zoning Clerk Lisa Knapp, 1st alternate BZC member Jenny Sloas, 2nd BZC alternate Sherry Graham.

Mr. Flaherty stated that the adopted policy of the BZC has been included in the agenda.

AGENDA ITEM: PROOF OF PUBLICATION

Ms. Knapp said this hearing was advertised as a regular meeting in the Delaware Gazette at the end of 2020.

AGENDA ITEM: APPROVAL OF MINUTES

Mr. Valentine made a motion to approve the minutes from the 10/14/21 BZC meeting, as presented. Mr. Flaherty seconded the motion.

Vote: Valentine, yes; Flaherty, yes; Brown, yes; Littleton, yes; Kaplan, yes.

Motion was carried, minutes were approved.

AGENDA ITEM: INFORMAL MEETING WITH CHARLIE DRISCOLL FOR 5529 CHESHIRE ROAD

Informal review of proposal for 11 acres located at 5529 Cheshire Road, currently zoned Neighborhood Commercial.

Charlie Driscoll presented the application and answered questions from the BZC said his company has been developing properties for 60 years in the Central Ohio area, including over 1000 homes and condominiums.

Mr. Driscoll said he is here to hear the BZC's thoughts on a 32-lot patio home community on Cheshire Road. He displayed an aerial photo and explained the area, including a retail building next to his site. There are restaurants and retail on the south side, and woods and farm fields across the street. The site is wooded around the perimeter but open in the middle.

Mr. Driscoll said the preliminary site plan shows 32 lots on 11 acres, which is 2.9 homes/acre with 32% open space. The community will be limited to 55+ and the lot sizes are 55' by 110' with private courtyards on the sides of the homes, with an average of over \$500,000. All units will have first floor master with an option for a second story bedroom and bath. Buyers will like the restaurant and the market across the street.

Mr. Driscoll said there are a large number of single-family homes available for younger people, but very few homes for the grandparents of these families. Many live in the area in two-story homes, which may not serve their needs as they age. His homes provide open floor plans for family gatherings, landscaped fenced courtyards for privacy, and many new home amenities.

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52 Mr. Driscoll said he has a project of these homes on Avery Road currently, which can be
53 toured.

54
55 Mr. Driscoll said the entrance will be off of Cheshire Road, with an emergency fire
56 access on the east end of the site. Most of the trees along Cheshire Road will be
57 preserved, and the larger open spaces are on the southwest corner of the site. The density
58 of 2.98 units/acre is higher than is normally allowed, but the impact of empty nester
59 neighborhoods could be considered. There is less stress on the roads and also no impact
60 on the schools.

61
62 Mr. Driscoll said patio homes are needed in this area and will generate much more taxes
63 for the township. The tax valuation of \$16 million will generate about \$472,000 per year
64 for the schools. In contrast, the existing 8 commercial properties across the streets paid
65 \$52,690 in taxes in 2021. These patio homes will general 9 times more taxes.

66
67 Mr. Driscoll said this will help solve a need in the township and the location is ideal.

68

69 BZC Consideration

70

71 Ms. Kaplan said she would like to see a lower density, perhaps more in line with R-3 in
72 that neighborhood district. She asked what setbacks they would requested. Mr. Driscoll
73 said the homes are typically 40' by 70' so about 25' from the street, about 15' in the
74 back, and 6' on each side. Ms. Kaplan said the township likes to see more than double
75 that for the side yard setbacks.

76

77 Ms. Kaplan said the renderings appear to show nothing that would permit a side load
78 garage, and she noted the township typically likes to see 25% sideload garages. Mr.
79 Driscoll said the neighborhood is compact and there would be little maintenance. The
80 open living space is on the side of the house and a fence with a courtyard.

81

82 Ms. Kaplan asked about walkways and trails. Mr. Driscoll said Alum Creek is close by
83 and the developments would be connected to that. Ms. Kaplan asked whether he did not
84 see the open space being accessible to the residents. Mr. Driscoll said it is and it is fully
85 accessible and fully wooded. Ms. Kaplan asked about trails and sidewalks. Mr. Driscoll
86 said he was not opposed to that.

87

88 Mr. Valentine said he agreed with Ms. Kaplan regarding the side load garages and the
89 density. All of the garages open in a row along a street does not add value to the project,
90 and the BZC prefers a minimum of 25% side load garages.

91

92 Mr. Valentine he asked whether the fire department has been notified regarding the
93 turnarounds for trucks. Mr. Driscoll said that is the next step. Mr. Valentine asked
94 whether these would be private roads.

95

96 Mr. Flaherty asked whether it would be an age-restricted community under the Ohio
97 Revised Code. Mr. Driscoll said it would be. Mr. Flaherty said that is different than
98 what the BZC would typically consider under R-2 or R-3. He said he assumed it would
99 be a condo-type development. He said that would also affect the side load garages. He
100 said there is a need for age-restricted housing. He would like to see the fire-department's
101 comments around the turnaround.

102

103 Mr. Flaherty said the general overlay is fine for the area with the multi-family and
104 commercial in the area. Lot 26 is unusual in the way it would fit.

105

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106 Mr. Flaherty said regarding the trail, Mr. Driscoll should look at the master plan that was
107 done with Delaware County Preservation Parks, as the north side of the road was
108 designated as the trail way because it has the least impact and easement.

109
110 Mr. Driscoll said no turn lane would be required if the development is age-restricted.

111
112 Ms. Littleton asked whether there would be sidewalks. Mr. Driscoll said there would be.
113 Ms. Littleton said a 10' wide multi-use trail is located on Cheshire Road, and she asked
114 whether there would be a connection to it. Mr. Driscoll said the sidewalk would connect.
115 Ms. Littleton asked whether the retention pond would have any features such as benches
116 or whether it would simply be functional. Mr. Driscoll said it would be functional.

117
118 Ms. Littleton asked about the mail kiosk pavilion and whether it would be a shelter area.
119 Mr. Driscoll said it would be. Ms. Littleton asked whether anything would be located
120 inside of it. Mr. Driscoll there would be. Ms. Littleton said it seems there would be more
121 than 12' between homes. Mr. Driscoll said that is correct.

122
123 Mr. Flaherty said he considers this to be a unique kind of development.

124
125 Ms. Brown said she feels this is a great location for the development. She asked whether
126 there would be more amenities than just the community pavilion, such as a pool or a
127 fitness center. Mr. Driscoll said there were not enough homes to justify the expense of a
128 pool.

129
130 Ms. Brown noted that the trails at Alum Creek are actually mountain bike trails, and the
131 bikes go very fast there. One would not want their grandparents walking there, as it is
132 not walking-friendly. The terrain is rough as well, so the developer may wish to consider
133 additional trails.

134
135 Ms. Graham said that adding fewer homes to this area is less of a burden on the schools
136 and is critical in this area. It also provides a development that fills a need in the
137 community. It would be beneficial to have walking trails for the residents.

138
139 Ms. Sloas said she really likes the concept and the location is great. She also likes the
140 natural buffering and that the appearance from the road will be buffered. She likes the
141 central community area with a possible fire pit.

142
143 Ms. Sloas was concerned about the 6' side yard setback due to potential fire issues, and
144 she asked what the materials would be. Mr. Driscoll said it would be stone and
145 Hardiplank. Ms. Sloas asked whether there would be vinyl. Mr. Flaherty said 6' is very
146 narrow.

147
148 Mr. Loveless said the township likes diversity. He was looking at the graphics and said
149 all of the rooflines look identical. He wondered whether simple changes could be made
150 so that the units did not all look the same.

151
152 Mr. Flaherty said this is probably the best location for this, and he looked forward to
153 seeing the plans including walking trails. The property is essentially almost 90%
154 buffered between the road existing stuff that is not going anywhere, and commercial
155 development.

156
157 Ms. Rippel asked whether this would be a TPUD. She said the walking path would be a
158 great idea, as many people aged 55+ have animals that they walk on leashes including
159 dogs, cats and rabbits.

160

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161 Ms. Littleton asked whether the air conditioning units would be located to the rear. If
162 they are in the side yards, that cuts it down even more. Mr. Loveless said the concept of
163 the setbacks is that if a building catches on fire that is 2-stories tall, how far would it fall.
164 If the sides are going to be reduced, the height also may need to be reduced.

165
166 Mr. Driscoll described the layout.

167
168 Ms. Littleton asked whether the design of this was similar to the Epcon development on
169 Lewis Center Road near Kroger. Mr. Driscoll said they would be similar.

170
171 Kari Lundberg, 538 Uxbridge Ave. Columbus, asked whether there would be a garage for
172 each home. Mr. Flaherty said each would have a two-car garage.

173 **AGENDA ITEM: INFORMAL MEETING WITH RD LLC**
174 **526 PEACHBLOW ROAD**

175 *Informal discussion with RD LLC, for 49.855 acres at 526 Peachblow Road, which is*
176 *currently zoned Farm Residential District.*

177
178 Brian Burkhart, with Civil and Environmental Consultants, representing the developer,
179 presented the plan and answered questions. He noted that the property is actually 2
180 parcels for a total of about 73 acres. He would like to develop 145 lots at a density of
181 about 1.99 units/acre density. Currently, 65' by 130' lot sizes are shown, as those are the
182 bare minimum lot sizes for this presentation.

183
184 Mr. Burkhart said the lots would most likely be 60-70' wide.

185
186 Mr. Burkhart said the CLUP calls for future road extensions on the south side off of
187 Route 23 and Grief Parkway, and that is lining up for that future extension with the
188 adjoining property to the west. Midway up on the left side is another entrance point for
189 Conger Lane, which currently only has access off of Route 23.

190
191 Mr. Burkhart said there is about 33 acres, 46%, open space that he would like to
192 preserve. There would be 50'+ buffers on the east and west, and 150'+ on the north
193 from Peachblow Road, and about 390' from the mobile park that is located just to the
194 south.

195
196 Mr. Burkhart said the rest of this property is open space/farm field with some woods on
197 the southeast corner of the site he is trying to preserve. The wetlands and streams have
198 been delineated on the site. He plans to preserve the woods, streams and wetlands as
199 much as possible.

200
201 Mr. Burkhart said that fewer than 25% of the lots back to other lots. A leisure walking
202 trails is shown along the entire perimeter and there is landscaping buffering between the
203 lots. He has reached out to Del-Co Water and the sewer department to confirm there is
204 availability.

205
206 Mr. Burkhart said sanitary sewer is not close by, and it will have to be extended 3600
207 linear feet to get to the site, and will have to obtain an easement to get through the
208 neighboring property. Del-Co said it will have to be stubbed about 1800 linear feet back
209 around the trailer homes. These actions will cost about \$600,000 and some additional
210 density is requested to help with that.

211
212 Ms. Brown said some of the lots look narrow, such as #136 towards the very back. She
213 asked if there would be any issues with the setbacks. Mr. Burkhart said requested are 30'
214 front and rear yard and 10' side yard setbacks. He would like to have a variety of 60-70'

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215 throughout the development. Ms. Brown said she may request that some of the smaller
216 and more restricted lots be deleted. She likes the walking trails and layout, as well as the
217 setbacks.

218

219 Ms. Brown said the township does like to see usable open space that includes features
220 such as a playground or a small park.

221

222 Ms. Brown asked where the mail kiosks would be located and about sidewalks. Mr.
223 Burkhart said that sidewalks would be per county standards on both sides, and the kiosk
224 has not been laid out yet.

225

226 Ms. Littleton said the walking path is fantastic. She noted that some of the smaller lots
227 may need to be deleted. She asked about the landscaping buffering along the northwest,
228 and whether it would be mounds or trees. Mr. Burkhart said it may be both.

229

230 Ms. Littleton asked about the residential and commercial areas. She asked that the usable
231 green space be improved.

232

233 Mr. Flaherty asked for a gathering space at the site. He asked about the existing wetland
234 are on the southeast side. He asked whether lot 113 would be filled in. Mr. Burkhart said
235 it would be potentially. He noted that appropriate permitting would need to be obtained.
236 Mr. Flaherty asked about the two cul-de-sacs that are shown and said there is an existing
237 stream that runs down there. He asked whether there was any way to connect that in
238 more of a deep U shape, instead of having two cul-de-sacs. He said the fire department
239 would like it better. Mr. Burkhart said he would consider it.

240

241 Mr. Flaherty said the layout and concept are good. He asked for some active open space.

242

243 Mr. Valentine said he did not see many amenities. He noted that the net developable
244 acreage is different than the gross, which is what the applicant has stated. The net
245 developable acreage may be more like 2.2 or 2.3 which is higher than th R-3. Lot sizes
246 are 7, 800 SF, and the minimum required is 10,800 SF.

247

248 Mr. Valentine said the applicant is requesting many divergences including setback of 10'.
249 He would like to see a minimum of 25% side load garages.

250

251 Ms. Kaplan asked what kinds of homes would be built, and the price points. Mr.
252 Burkhart said the price would be \$450,000-550,000 and he said that the developer is
253 talking to several national home builders in the area.

254

255 Mr. Loveless said the township prefers not to look at the back of homes, so when one is
256 going down peachblow road people do not look into the back of homes. He suggested a
257 layout like at Howard Farms, where there is mounding, fencing and landscaping.

258

259 Ms. Rippel suggested that when the development is named, that "Berlin" not be included
260 in the name, as it has been overused.

261

AGENDA ITEM: OTHER BUSINESS

262 Ms. Kaplan asked about the current status of the informal rehabilitation home that was
263 discussed at a meeting several months ago. Mr. Loveless said that the attorneys
264 discussed it and there is some gray area. They could be kicked out if the township wants
265 to engage in a legal battle. They should have come to the township prior to beginning.
266 Complaints have been received.

267

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268 Mr. Loveless said a house is being built on 1469 Africa Road that does not have a zoning
269 permit. They tore the house down and put a new foundation in, then they disappeared
270 until recently. Some home builders have stopped building due to an apparent labor
271 shortage.

272

273 Mr. Valentine asked how many homes in Berlin Township currently have open permits
274 and/or are under construction. Ms. Rippel did not know, but there have been around 142
275 new homes this year not including last and this month, but all of a sudden, the brakes
276 have been put on many projects.

277

278 Ms. Sloas asked whether there was anything being worked on in the Berlin Business
279 Park. Mr. Loveless said there have been some questions, but nothing has been submitted.

280

281 Ms. Sloas asked about a potential TJ Maxx and other stores near the Kroger on 36.

282

283 The next BZC meeting will be on Tuesday, Nov. 9, 2021 at 7:00 PM for Maeve
284 Meadows which was tabled and continued.

285

286 There was no further business to come before the BZC. Motion to adjourn and second.
287 Meeting was adjourned.

288

289

290

291

Steve Flaherty, Chairperson

292

293

294

Jerry Valentine, Vice-Chairperson

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296

297

Darcy Kaplan, member

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299

300

Christina Littleton, member

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302

303

Angela Brown, member

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306

307

Jenny Sloas, 1st alternate member

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309

310

Sherry Graham, 2nd alternate member

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312

313

Attest: _____

314

Lisa F. Knapp, Berlin Township Zoning Clerk