

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO 43015

REGULAR MEETING

TUESDAY, JANUARY 10, 2022: 7:00 PM

CALL TO ORDER

The meeting was held at Berlin Township Hall, 3271 Cheshire Road, and was called to order by Chairperson Jerry Valentine at 7:00 PM.

BZC members present: Chairperson Jerry Valentine, Darcy Kaplan, Angela Brown, Jenny Sloas, Keith Goshia.

Also present: Zoning Inspector Jake Bon, Zoning Secretary Cathy Rippel.

Mr. Valentine reviewed the BZC's adopted rules, including public comment rules.

PROOF OF PUBLICATION

Ms. Knapp stated that this hearing was advertised as a regular meeting in The Delaware Gazette in December 2022.

AGENDA ITEM: APPROVAL OF MINUTES

Ms. Kaplan made a motion to approve the minutes from the 12/13/22 BZC meeting, as presented. Mr. Valentine seconded the motion.

Vote: Kaplan, yes; Valentine, yes; Sloas, yes; Brown, yes; Goshia, yes.

AGENDA ITEM: BZC 22-002 APN GROUP, LLC.

PEACHBLOW CROSSING

Request to rezone two parcels of 48+ acres at 3710 Piatt Road from Farm Residential to 44 R-3 Planned Residential District for an 86-home single family community to be known as 45 Peachblow Crossing.

Mr. Valentine said the first item on the agenda is BZC 22-002, filed by APN Group, LLC.

Tony Eyerman, 1907 River Road, Delaware, Ohio, 43015 presented the application and answered questions from the BZC. Mr. Eyerman said he is here representing APN Group, and Peachblow Crossing is the name of the development. He is requesting approval for the preliminary development plan for an R-3 with a PRD overlay. He has had several meetings regarding this, and is here to address a number of items and to request approval if possible.

Mr. Eyerman said he has had several meetings on this and has addressed the comments that have been made. He was presented at the last meeting via Zoom due to him having covid. During that meeting, many comments were made, which he appreciated. One thing that was very clear was the BZC would like the lot size to meet the requirements of the zoning resolution, the density can be no greater than 2 units per acre net, and no divergence may be requested other than the density for the entire community.

Mr. Eyerman said there was also a request that he cannot agree to but would if it were possible, which would be an access from Peachblow Road and also Piatt Road. The county engineer's comments in the last page of Section 3 of the development plan binder indicate that a right-in/right out will not be allowed on Peachblow Road, and he followed up on that as well. However, it can be included as an emergency access, and they asked the developer to modify the plan and resubmit. He noted that was not a welcome comment, but that it was out of his hands.

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52 Mr. Eyerman said the new development text is dated 12/22/22 and on page 10 and also
53 the development plan indicates a minimum of 10,890 SF, which is the requirement per
54 the zoning text. The plan complies with all other R-3 development standards. He said
55 page 10 shows Exhibit A Peachblow Crossing PRD Lot Restrictions and it shows they
56 match up. The only change is the building dimensions, because they are greater than the
57 R-3 requirements.

58

59 Mr. Eyerman said that additionally, about 38% of the development (18.3 acres) is open
60 space, including 1.5 acres of amenity park in the central part of the community, which is
61 in the landscaping plan. It includes a play area, two pickleball courts, a sledding hill for
62 small children, a centrally located walkable for the entire community. A mail kiosk is
63 also shown there.

64

65 Mr. Eyerman said there were questions about the entry column, which has been
66 redesigned. It is now a true Italianate column with traditional architecture with a size of
67 10 by 10. It now has downlighting, which will be inside the bar at the top and shining
68 down. It is very attractive and is an improvement for the prior iteration.

69

70 Mr. Eyerman said the number of units have been reduced the number of units and there
71 are now 83 single family lot, 1.69 dwelling unit per acre gross density of 1.99 net density.
72 There are not other divergences, he said. The site is up against the railroad tracks, which
73 is very difficult. The county has taken away the secondary access point to the south,
74 which he really wanted.

75

76 Mr. Eyerman said he has added the mounding and landscaping in the plan. It is not a
77 continuous mounding as it allows for surface drainage from the neighbors into the
78 development's ponds. The mound will be 3-6' high with landscaping on top, and the trees
79 are shown at half to 2/3 size. The entry street landscaping now includes lawn with street
80 trees spaced 40' apart. A rail fence is included that stops short for the sight triangle to
81 allow for visibility at the corner.

82

83 Mr. Eyerman said the sign elevation shows the sign will be located in a ground cover bed.

84

85 Mr. Eyerman said the county engineer's traffic comments were to have a new study done,
86 which has been done. The county is asking for more information as engineering
87 continues as details such as the Piatt Road improvements and decal lanes, etc. He said
88 he is excited about the new amenities, especially the pickleball courts, the children's'
89 play area, and the 1/8-mile long walking trail. There is also a small 6' high sledding hill.

90

91

Commission Consideration

92

93 Ms. Brown said her understanding was that the traffic study was stating that a left turn
94 out of the development was necessary. Mr. Eyerman said there would be a left turn into
95 the neighborhood, north-bound. Ms. Brown asked whether it was correct that no turn
96 lane is necessary on the main drive. Mr. Eyerman said that will be finally conclude
97 during engineering time. North-bound traffic on Piatt Road needs to have a left turn a so
98 there is a bypass lane that comes around the east side.

99

100 Ms. Brown said the current plans did not seem to indicate there is enough space there.

101 Mr. Eyerman said it is 100' wide and there is plenty of spacey to accommodate a third
102 lane. He said he accidentally left the right-of-way lines off of the plan.

103

104 Ms. Brown said she has many notes from Berlin Bluff and Maeve Meadows because Mr.
105 Eyerman had stated at a prior meeting that they were requesting a divergence due to the
106 other neighborhoods that had been approved to the north that had some deviations. There
107 had been a request for divergences based upon Evans Farms. Mr. Eyerman said

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108 questions had come up in a prior meeting where there were other divergences for density,
109 and he had provided a list of what he thought he knew, including Evans Farm and Berlin
110 Meadows and a couple of others.

111

112 Ms. Brown said she looked at Berlin Bluffs and Maeve Meadows final development
113 plans, and there were actually no divergences granted, although Berlin Bluffs did have a
114 divergence for lot size, which was granted due to the amount of usable open space
115 granted. She is aware the parcel is difficult due to the shape of the area as well as where
116 the developed properties are around it, and they are boxed in. She is concerned that
117 everything but 1.5 acres in the park is being called open space. 17.2 acres includes the
118 basins as well as the mounding and the trees. The usable open space is much smaller.
119 The aforementioned developments' final development plans have larger parks and more
120 usable open space.

121

122 Ms. Brown said in Maeve Meadows, the park alone is 8.1 acres. Walking trails around
123 the park, the back of the properties and around part of the pond with benches were
124 included. Although she likes the children's' play area and the pickleball court, the other
125 developments truly have more usable open space. Berlin Bluffs was granted a divergence
126 on 21 of their lots because they had the usable open space throughout the community,
127 including 5.9 acre tot lot, a shelter, and a common open space where kids can play in 7.38
128 acres. The total in Berlin Bluffs is 13.33 acres, which is 24% of the gross density in open
129 space.

130

131 Ms. Brown said 1.5 acres of open space in this development is 10.13%. The rest of the
132 open space is not really usable. She likes the idea of fishing and playing with toy motor
133 boats in the basins, and she asked whether those were going to be full of water all of the
134 time to accommodate that. Mr. Eyerman said "yes" and that they are retention basins, not
135 detention basins. Ms. Brown asked where the water would flow from. Mr. Eyerman said
136 it would flow to the north. There is a ditch along the north property/tree line where the
137 storm outlet is.

138

139 Ms. Brown said Mr. Eyerman had stated they would be stocked as fishing areas, and she
140 asked whether they would be stocked by the homeowners association. Mr. Eyerman said
141 there will be fish in them, although he does not know how they will be stocked. Ms.
142 Brown said divergences have been granted for other developments, but many of these lots
143 back up to each other, which the other neighborhoods do not. It feels like everybody is in
144 each other's back yards, and the usable space is all ponds. Mr. Eyerman said there are
145 30-32 lots that back up to each other, so less than 50% back up to each other, and four of
146 those lots front on the park.

147

148 Ms. Brown said Mr. Eyerman said 25% of the homes will have side load garages, and she
149 asked whether those would be larger than .25 acres. Mr. Eyerman said "not necessarily,"
150 as it depends on how development goes. They will be scattered throughout the
151 community. Ms. Brown said many of the lots are not large enough to allow for that, and
152 she asked what measures have been put into place to ensure that. Many of the lots on the
153 court and on the north side will work for the side load garage, but she asked how the
154 development would ensure the 25%.

155

156 Mr. Eyerman said the approval is through the zoning office and they and the development
157 will keep track of that and it must be complied with. Some of the lots will accommodate
158 side load garages, and some will not. If it gets to the point where 20 side load garages are
159 still required and there are only 20 lots left, they will all require side load garages.

160

161 Ms. Brown asked whether there would be sidewalks on both sides of the road. Mr.
162 Eyerman said there would be. Ms. Brown asked whether the walking path around the
163 park would be a multi-use path. Mr. Eyerman said it would be a 6' wide sidewalk, which
accommodates two people side by side or passing in each direction.

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164 Ms. Sloas asked whether there are any benches in the courtyard area. Mr. Eyerman said
165 the plan was to have some, but none were shown and he didn't know he had to show
166 them.

167

168 Ms. Sloas asked whether there are any plans for fencing throughout the development,
169 including by the railroad tracks. Mr. Eyerman said "no." He noted that fencing is
170 required between single family and agricultural properties. Ms. Sloas there had been
171 concerns about the proximity to the railroad tracks as the homes are very close to the
172 tracks. She asked about fencing to the rear of those homes.

173

174 Mr. Eyerman said he was responsible for bringing Evans Farm and the Ross property on
175 the south side of Peachblow Road for zoning approval, and there was no fencing along
176 the tracks there. People can walk in that area. He said most of the traffic will be around
177 the pond areas, and the mounding will help keep people away from the tracks.

178

179 Ms. Sloas asked about meeting with the neighbors. Mr. Eyerman said they were going to
180 meet with them if everything looks good on the landscaping plan before the meeting with
181 the trustees. Ms. Sloas said this is different than Berlin Bluffs because the neighbors did
182 state in that case that they did not want the ponds to be reduced. In this case, it is
183 desirable that there is more open space that the community can use.

184

185 Mr. Eyerman said the four ponds were all required by engineering and they have been
186 downsized as much as possible. Ms. Sloas asked whether these are the smallest ponds
187 possible. Mr. Eyerman said they are.

188

189 Ms. Kaplan said she likes the pickleball courts and small sledding hills. However, there is
190 a lot of passive open space with little active open space. The 1.5-acre central park is a
191 terrific amenity, and it helps make this a place people would want to live in. She is still
192 very concerned about the density, with started with the comments by the Delaware
193 County Regional Planning Commission, and they continue to persist. The R-3 guidelines
194 would allow a maximum of 75 units, and that would be a better plan.

195

196 Mr. Goshia said the plan indicates that each house will have parking for 4 vehicles and
197 asked whether two would be on the street. Mr. Eyerman said two would be in the garage,
198 and two in the driveway. The county engineer will allow parking on one side of the street
199 as well.

200

201 Mr. Goshia said he has calculated that there are 83 lots on 21.96 acres. Utilities and
202 rights-of-ways seem to have been included in the open space calculations. Mr. Eyerman
203 said that is not correct in this case; his open space is defined as open space outside of
204 rights-of-ways, streets, and lots.

205

206 Mr. Goshia said that page 9 indicates that, "over 65% of the single-family lots abut to
207 dedicated space and each lot developed has access to open space." Mr. Eyerman said
208 they have backyards that back into open space or have side yards that area adjacent to
209 open space. Mr. Goshia said his calculations per the drawings indicate that just 32 lots,
210 which is 38.55% of the total lots, have access to the open space, not 65%. Mr. Eyerman
211 said he calculated 51 lots. There was additional discussion.

212

213 Mr. Goshia asked when the homeowners association would be turned over to the
214 residents, which is typically when the last lot is sold. Ms. Brown said it is when about
215 90% of the lots have been sold.

216

217 Mr. Goshia said that on page 15, item C indicates that minimal modifications of
218 preliminary development plan can be done by the zoning inspector by request. He did not
219 feel that any one person should be able to modify a preliminary development plan. Mr.

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220 Eyerman said he is not modifying any preliminary development plans. He said that
221 would be after the plan was approved and he would ask for an amendment. Mr. Goshia
222 said he said that would be approval on the spot by a single person. Mr. Eyerman said an
223 amendment like that would need to come back to the BZC.
224

225 Mr. Goshia said he would like to see more open space in the development.
226

227 Mr. Valentine said that at one of the meetings, he said he would not consider anything
228 above 2 units per net developable acre, but he was speaking for himself, not the
229 Commission. The zoning resolution still requires a maximum of 1.85 units per net
230 developable acre, which would be 77 units in this case.
231

232 Mr. Valentine asked whether there would be fountains in the ponds. Mr. Eyerman said
233 there would be. Mr. Valentine said he was concerned about safety. He noticed that
234 across the tracks in Glenross, there is mounding adjacent to the tracks. Mr. Eyerman said
235 it was mostly a sound barrier but he was not certain whether it was for safety or not. He
236 said mounding is shown on this plan along the tracks but he is restricted along the very
237 west edge along the tracks because there is a high pressure gas line there. The gas
238 company has requested that a mound not be built over that line.

239 Mr. Valentine said this development will be within a mile of an elementary school to be
240 built in the future. Mr. Eyerman said he is only aware of Arrowhead Elementary. Ms.
241 Brown said it was just stated publicly there will be another elementary school, #17 in the
242 Olentangy school district, at Piatt and Peachblow Roads, opening for the 2024-2025
243 school year.
244

245 Mr. Valentine asked whether there would be crossing for the path across Peachblow Road
246 to get to the elementary school. Mr. Eyerman said he could work with the schools and
247 the county engineer to see if they could get that aligned. Mr. Valentine asked about the
248 parking for the mail kiosk. Mr. Eyerman said he requested from the county engineer
249 permission to have parking on that side of the street. Mr. Eyerman asked for a recess.
250

251 There was a brief recess. Meeting was returned to session.
252

253 Public Comment
254

255 Chad Rawdon, 3740 Piatt Road, said his property is adjacent to the entrance to the
256 development, which will be facilitated via an existing single-family residential lot. He
257 does not want the entrance to be located there because his bedroom sits on that corner and
258 his quality of life will be negatively affected. The 83 lots will create 320 vehicles every
259 day coming right by his home.
260

261 Mr. Rawdon said when he purchased his home, he did so because there were existing
262 single-family homes to either side and an empty farm behind him. He knew the subject
263 property would develop at some point, but he never anticipated the access would be via
264 the lot adjacent to him. The fact that the house next door will be torn down for the access
265 road disturbs him, and he will do everything he can to fight that.
266

267 Mr. Eyerman said originally, the main access was off of Peachblow Road, but the county
268 engineer would not allow it.
269

270 Ms. Sloas asked whether there was anything that could make the situation more viable for
271 him other than removing the access road, such as fencing or trees. Mr. Rawdon said a
272 10' tall mound along the entire length of his lot that would block the headlights and
273 sounds would be sufficient. There was additional discussion.
274

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275 Mr. Eyerman said he spoke with the landowners. 83 lots are proposed in the text. He
276 asked whether the BZC would consider approving the application if it was reduced to 80
277 lots. Amenities have been added to the site including in the open space, as well as
278 mitigating storm drainage issues on the neighboring properties and bringing sewer to the
279 area.

280 Mr. Valentine said his opinion is that the zoning resolution it to be adhered to except
281 when the amenities provided outweigh the requested divergence. At 77 lots, the
282 applicant would not require any divergence. He does not like to set a precedent for future
283 developments. Mr. Goshia said the three lots is just about $\frac{3}{4}$ of an acre. Mr. Eyerman
284 said the lots are around \$100,000 each, so that would be around \$300,000 loss. Mr.
285 Goshia said larger lots increase the sales price. Mr. Eyerman said that is not true with
286 lots located against the railroad tracks.

287
288 Mr. Goshia said the reduction of 6 lots would be 1.5 acres and that could be divided out
289 amongst the first lots 1-21. Mr. Valentine said there are four lots on the far right side of
290 the plan. Doing away with those four lots provides more green space that is usable and
291 also less congestion.

292
293 Ms. Brown said people move to this area due to a sense of space, which does not exist in
294 this neighborhood. Everybody is crammed in together. Getting closer to the 1.85 units
295 per net developable acre would make the neighborhood feel like it has more usable
296 community space. Removing lots 80-83 would assist with that, as the cul-de-sacs could
297 be removed. Mr. Eyerman said the cul-de-sacs are still required per the county engineer.

298
299 Ms. Sloas said the access is out of their control, but reducing the density to what is
300 required per the zoning resolution will help reduce the traffic. Mr. Rawdon said he did
301 not understand how a residential lot is going to be a road now. He asked whether it
302 needed to be rezoned for the development. Mr. Valentine said there are two parcels in
303 this plan, including the lot for access, and they would be combined as one after the
304 approval.

305
306 Mr. Eyerman said everything will brought into compliance with the zoning including
307 setbacks, amenities, and lots.

308
309 There was an extensive discussion regarding the privacy screening along the lots to the
310 north and south of the entry road. Mr. Eyerman said he would achieve 100% opacity for
311 the area between the sight line and the rear of those two homes.

312 **RESOLUTION 2023.01.19.A: RECOMMEND APPROVAL OF BZC 22-002**
313 **PEACHBLOW CROSSING**

314 Mr. Valentine made a motion to recommend approval of BZC #22-002 to the township
315 trustees with the following conditions:

316

- 317
- The number of lots will be reduced to a maximum 77 lots.
 - To provide privacy and screening to the existing residents, a minimum 10' high feature consisting of mounding, fencing and evergreen trees will be built on the north and south sides of the entry road from Piatt Road, at the sight triangle through rear of each of the two homes. Mound height will be a minimum of 3' height.
 - The development will meet all requirements for the R-3 zoning district.
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324 Ms. Brown seconded the motion.

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326 Vote: Valentine, yes; Brown, yes; Sloas, yes; Kaplan, yes; Goshia, yes. Motion was
327 carried.

328

AGENDA ITEM: OTHER BUSINESS

329 Mr. Valentine said Trustee Raehll keeps notes of the zoning meetings and prior to this
330 has been sending them to the chair and vice-chair. This year she continued that, sending
331 them to him and Ms. Kaplan. He has now requested that Trustee Raehll send her notes to
332 all BZC members from now on.

333

334 Mr. Valentine said Trustee Raehll brought up the informal meeting process, stating that
335 Mr. Bon will be the primary contact and will give the developer the zoning resolution and
336 other information, and if they want an informal meeting, it will be scheduled at a regular
337 BZC meeting.

338

339 Mr. Valentine said the status of the Comprehensive Land Use Plan (CLUP) is that the
340 trustees stated last night that there are issues with what has been submitted and they do
341 not want to publish it as submitted. They can either send it back to the BZC for further
342 discussion, or a joint meeting can be scheduled with the BZC to discuss. He said he
343 would prefer to sit down with the trustees. Several members expressed agreement. Mr.
344 Valentine said he would relay that information to Trustee Raehll.

345

346 Meeting Room Updates

347

348 Mr. Valentine said the BZC would be trained on how to use the AV equipment for
349 meetings. Ms. Brown suggested coming 30 minutes early to the next meeting if possible.

350

351 Zoning Violations on Cheshire Road

352

353 Mr. Valentine said the zoning inspectors are working to resolve this issue with the county
354 prosecutor. However, nothing has been decided. There are some violations and it never
355 came before the BZC for approval. There are some items that are not in conformance.

356

357 Mr. Valentine said Trustee Raehll informed him that there are three applicants for the
358 open zoning positions and she has given until 1/22/23 for people to apply for the
359 positions.

360

361 The next BZC meeting will be on Tuesday, January 24, 2023 at 7:00 PM, when the Piatt
362 Road R-3 application will be heard. Mr. Goshia said he would not be at the next meeting.
363 Ms. Kaplan is out as well, so there will be just three BZC members in attendance. Ms.
364 Rippel said the applicant will be given the opportunity to table to a future date if desired.

365

366 There was no further business to come before the BZC. Motion to adjourn. Meeting
367 adjourned.

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Jerry Valentine, Chairperson

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Darcy Kaplan, Vice-Chairperson

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Angela Brown, member

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Jenny Sloas, member

Keith Goshia, member

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