

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO 43015

**ORGANIZATIONAL MEETING
TUESDAY, DECEMBER 14, 2021: 7:00 PM**

CALL TO ORDER

The meeting was held at Berlin Township Hall, 3271 Cheshire Road, and was called to order by Vice-Chair Jerry Valentine at 7:08 PM.

BZC members present: Vice-Chairperson Jerry Valentine, Darcy Kaplan, Christina Littleton, 1st alternate BZC member Jenny Sloas (seated), 2nd BZC alternate Sherry Graham (seated).

Also present: Zoning Inspector David Loveless, Zoning Secretary Cathy Rippel, Zoning Clerk Lisa Knapp.

Not present: Chairperson Steve Flaherty, BZC member Angela Brown.

ELECTION OF 2022 BZC CHAIRPERSON

Mr. Valentine nominated Mr. Flaherty for BZC chairperson for 2022. Ms. Kaplan seconded the motion. There were no further nominations.

Vote: Valentine, yes; Kaplan, yes; Ms. Littleton, yes; Ms. Graham, yes; Ms. Sloas, yes.

Motion carried, Mr. Flaherty was elected BZC Chairperson for 2022.

ELECTION OF 2022 BZC VICE-CHAIRPERSON

Mr. Valentine nominated Ms. Littleton for BZC chairperson for 2022. Ms. Graham seconded the motion. There were no further nominations.

Vote: Valentine, yes; Graham, yes; Kaplan, yes; Sloas, yes; Littleton, yes.

Motion carried, Ms. Littleton was elected BZC Vice-Chairperson for 2022.

2022 BZC MEETING DATES

The list of 2022 BZC meeting dates were reviewed. Meetings are held on the second and fourth Tuesday of each month at 7:00 PM except as noted due to holidays.

1/11
1/25
2/8
2/22
3/8
3/22
4/12
4/26
5/10
5/24
6/14
6/28
7/12
7/26
8/9
8/23
9/13

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO 43015

**ORGANIZATIONAL MEETING
TUESDAY, DECEMBER 14, 2021: 7:00 PM**

54 9/27
55 10/11
56 10/25
57 11/8
58 11/22
59 12/13

60
61

AGENDA ITEM: APPROVAL OF MINUTES

62 Mr. Valentine made a motion to approve the minutes from the 11/9/21 BZC meeting, as
63 presented. Ms. Littleton seconded the motion.

64

65 Vote: Valentine, yes; Littleton, yes Sloas, yes; Graham, yes; Kaplan, yes.

66

67 Motion carried, minutes were approved.

68

69 **AGENDA ITEM: JORDAN YATES INFORMAL PRESENTATION FOR MULTI-FAMILY**
70 **DEVELOPMENT, S.R. 36 E & N. OLD STATE ROAD. PARCEL #41812001009002**
71 **& PARCEL #41812001012002**

72 Greg Yates said he and his son Jordan bought the subject property at SR 36/37 and North
73 Old State about 5 years ago. He said this will be the fifth multi-family development that
74 they have done together. They are the majority partners on this project, and they have
75 one current project in Phoenix, Arizona as well. They have been to various states and
76 were both born and raised in Ohio.

77

78 Mr. Greg Yates noted that developer Skip Weiler is also present. Mr. Greg Yates said he
79 and son have not done a development in Ohio although they have been in construction as
80 a family for 40 years. He noted he has been doing residential for about 12 years, and that
81 Mr. Jordan Yates started 13 years ago with his first project in Georgia.

82

83 Mr. Weiler said his grandfather started the Skip Weiler company in the 1930s, and they
84 do commercial development such as at Polaris. They are partners in Northstar.

85

86 Dave Ruma, with DC Building Company, is part of the team and he noted that his
87 company primarily builds multi-family and mixed-use projects.

88

89 Mr. Greg Yates said about 2 years ago he met now-former Delaware County Economic
90 Director Bob Lamb to discuss the overlay and they contracted with MS Consultants to
91 start working with the state to get the sewer plans in here. He met with about 10
92 developers in Columbus and decided on Mr. Ruma and Mr. Weiler. They are not only
93 development partners but also equity partners, so they have skin in the game.

94

95 Mr. Jordan Yates said he is excited to see this project progressing. He said he has lived
96 on 3 B's and K Road in Berlin Township for four years and he really enjoys his life here
97 and all of the amenities this area offers. He is looking forward to this proposed
98 development being the cornerstone of this community and setting a great example for the
99 future as the overlay develops.

100

101 Mr. Jordan Yates said there is existing development near the I-71, but the lake sets a
102 brand new tone here. This will be the first property as one drives across the lake and it is
103 the gateway into this massive overlay plan. This project could assist the way the overlay
104 will transform how this area looks and feels.

105

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO 43015

**ORGANIZATIONAL MEETING
TUESDAY, DECEMBER 14, 2021: 7:00 PM**

106 Mr. Jordan Yates said the lack of sewer is preventing the area from developing. He runs
107 a pipeline construction company that focuses primarily on natural gas pipeline
108 construction, but they have also done a lot of forced-main sewer. A couple of years ago
109 he began working with Tiffany Maag of the Delaware County Regional Sewer District
110 and they figured out a way to get sewer to this property from Africa Road, where there is
111 a lift station. A new lift station would be built that would serve much more than just this
112 property, and should help kickstart the projects in this area.

113
114 Mr. Jordan Yates said the property has several topographic features that are really nice.
115 There will be 250 units on 32 acres, and will have a park-like setting. The ravines will be
116 preserved as well as as many of the large trees as possible. There is a nice pond feature
117 and there will be a pool and clubhouse. Mr. Jordan Yates distributed plans that showed
118 renderings.

119
120 Mr. Weiler said his company has done many developments in the area. This s a great
121 area and a great project, and he is very excited about it. This will be a quality project
122 built by a family-owned company. He said they are building a project in Berkshire
123 Township as well as in an overlay district. All requirements were adhered to and it was
124 approved. He asked if the approval process was the same here as in Berkshire Township.

125
126 Mr. Valentine said he received a zoning book tonight that includes the approval
127 requirements of the cloud, so it is new to all of them. The BZC would work together with
128 applicants. As long as the project conforms to all of the requirements and has no
129 divergences, it should be approved. He said high-end apartments are interesting, given
130 that there have been comments that low-income housing is needed. He likes the design.

131
132 Mr. Greg Yates said they will be competing with others around him in the marketplace.

133
134 Mr. Loveless said the square footage per unit is slightly under what was required, so a
135 minor divergence may be required. Mr. Valentine said it is his understanding that the
136 cloud is governing and as long as there are no divergences and variances that it is very
137 easy to process. Requesting a divergence would be a new process as well.

138
139 Ms. Kaplan confirmed with the applicants that this would be a gated community. She
140 asked whether the long slender items shown on the rendering are garages or storage units.
141 Mr. Ruma said they are garages. Ms. Kaplan asked whether there would be any
142 amenities in the central green such as playgrounds, etc. Mr. Ruma said typically there
143 would not be playground equipment as there are not many schoolchildren in these kinds
144 of projects. There many be a community garden, dog park, etc.

145
146 Ms. Kaplan asked about the building with a 7 on it. Mr. Ruma that is the parking count.
147 Ms. Kaplan asked whether the parking would be assigned. Mr. Ruma said garages would
148 be rented, but the parking would be open. Ms. Kaplan asked how large the clubhouse
149 would be. Mr. Jordan Yates said a floorplan has been provided and it would be about
150 6400 SF.

151
152 Ms. Sloas asked whether the back part would be green space with a walking trail. Mr.
153 Jordan Yates said that was correct and the north side would be left open. There are trails
154 that run through the property owned by the Army Corp of Engineers that tie into the back
155 of the property, and the developers plan to tie into that. The community garden would
156 also be located there.

157
158 Mr. Valentine said the entrance was located close to 36/37 and he recommended that the
159 emergency access be the main route in as it is further down North Old State Road.

160

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO 43015

**ORGANIZATIONAL MEETING
TUESDAY, DECEMBER 14, 2021: 7:00 PM**

161 Ms. Littleton asked whether Savko was still planning to build a concrete plant in that
162 area. Mr. Jordan Yates said he spoke with them a few months ago and the project
163 appears to be in limbo. Mr. Loveless said Marti Savko was in the office a couple of
164 weeks ago, and said he would like to create an access road that would divide the front
165 properties to be more storefront-type and the properties behind it more industrial so he
166 can locate the concrete plant so it will have less of an effect. He is being very cooperative
167 with Berlin Township.

168
169 Ms. Littleton asked about the lift station and whether it would be designed in order to be
170 cohesive with the area. Mr. Jordan Yates said it would be. Ms. Littleton said the design
171 looks good. She asked whether the applicants had already checked regarding the stucco
172 shown on the project.

173
174 Mr. Ruma said he understands the desire to not have divergences because the cloud was
175 designed to be a quick process and to create a certain feel. He said the only materials
176 that are allowed in the R-10 district is stone, stucco and wood, and using a lot of stucco is
177 not a good idea for apartment complexes as it deteriorates, as does wood. Fiber cement is
178 allowed in the commercial areas of the cloud and he was hoping to be able to use that in
179 place of the stucco. It is a better, long lasting material.

180
181 Ms. Kaplan said the architectural review board was approved. Ms. Littleton said that
182 needs to be straightened out as the process continues, Mr. Loveless said the parameters of
183 that has not been determined yet. He was not sure where that fits in and what will
184 required, such as new materials that were not allowed in the past such as concrete board.
185 Mr. Valentine said this is a gray area and he thanked the presenters for working with the
186 township.

187
188 Ms. Graham asked whether a divergence could be granted for the sake of the project. Mr.
189 Valentine was concerned about setting a precedent. Mr. Loveless said there will also be
190 handicapped-accessible units. Ms. Graham asked whether each unit would have a
191 garage. Mr. Ruma said each townhouse has an attached garage. Not everybody wants to
192 rent a garage, so about 20% of the remaining units will be able to rent them.

193
194 Ms. Graham asked when they would like to start the project. Mr. Ruma said “yesterday.”
195 Mr. Valentine said the lift station is the problem. Mr. Greg Yates said he would like to
196 start in the early summer.

197
198 Ms. Littleton said the open space being located to the north is much better received
199 because there are existing residents in that area and there is a house in the woods in that
200 area. She asked what the height would be. Mr. Ruma said they are flat-roofed and would
201 be about 35’ high.

202
203 Mr. Valentine asked about buffering of the buildings from the street, which is desirable
204 with a development that has 250 units.

205
206 Ms. Rippel said it will take time to get sewer to this location. Mr. Jordan Yates said he is
207 working with MS Consultants on the permitting process. They have received final
208 comments from Delaware County, and he is waiting on final comments from ODOT on
209 the bridge over Alum Creek, and they are permitted to hang the sewer on the bridge, so
210 his company will be installing it themselves. The construction process will not take very
211 long once the permits are in place and so that will not hold up this project. It will be
212 attached to the bridge over Alum Creek rather than under the water. Mr. Jordan Yates
213 said most of it will be built through the median and under 36/37 down Africa.

214
215 Mr. Valentine asked whether the Army Corp of Engineers agrees, as they own much of
216 that property. Mr. Jordan Yates said they have jurisdiction over the southern bridge, but

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO 43015

**ORGANIZATIONAL MEETING
TUESDAY, DECEMBER 14, 2021: 7:00 PM**

217 the northern bridge belongs to ODOT. Mr. Valentine asked about the property itself.
218 Mr. Jordan Yates said ODOT will dictate on the median and 36/37, but since they are not
219 boring under the lake, they will not need the Army Corp of Engineers' permission.

220

221 Ms. Graham asked whether there would be phases. Mr. Greg Yates said it would start
222 and then complete until finished, so there would be no phases.

223

224 Ms. Littleton said since a lot of time has passed since the cloud was approved, she has
225 noticed those inconsistencies and she thinks a meeting should be held to figure out how
226 to move forward. Procedures would need to be figured out as well. The cloud was
227 designed to reduce the time necessary to develop properties. She said it was unknown
228 that if materials that make more sense but are not allowed by the cloud, can those be
229 used. If that is considered a divergence, does the applicant have to go through the zoning
230 process normally?

231

232 Mr. Weiler said that in Berkshire Township, if a divergence is requested, the zoning
233 commission approves or denies it. Mr. Valentine said the guidance they have received is
234 to let this book stand as it is so divergences do not need to be requested. This is a gray
235 area that needs to be worked out.

236

237 Ms. Graham said she likes the exterior and layout of the project and it is gorgeous. It
238 seems to fit in with the desired building materials. She asked whether they could be the
239 exception to the rule if it would be a disservice by not allowing them to move forward
240 with their project. Mr. Valentine was concerned about setting a precedent for the 40-50
241 future applications unless it was a temporary allowance.

242

243 Mr. Loveless said their square footage is very close to what is required, but is very small.
244 Some flexibility may be necessary.

245

246 Ms. Graham asked how many one, two and three-bedroom units are planned. Mr. Weiler
247 said there would be 84 one bedroom, 156 two-bedroom, and 10 three-bedroom
248 townhomes.

249

250 Ms. Littleton said the units do not seem to be too packed in and there are plenty of natural
251 features.

252

253 Mr. Valentine thanked the presenters for working with the township during this new
254 process. Mr. Jordan Yates said he has been involved with a lot of developments over his
255 lifetime and he thinks this is the best-looking site plan and will be the best-looking
256 development in Ohio.

257

258 There was a discussion about the name of the project. Use of "Berlin" in the name was
259 not advised as there are so many developments that use that here and they become
260 indistinguishable from each other.

261

262 Mr. Weiler asked when the township will have the cloud procedures done so they can
263 come back in and get rolling.

264

265 Mr. Loveless said the cloud procedure should be set in stone in January and they can get
266 back with the applicant. Mr. Weiler asked when the meeting would be held. Ms.
267 Littleton said the cloud procedure meeting would be a public meeting and advertised and
268 it would be held with the trustees and others, and the applicant would be welcome to
269 come. It would most likely be in January.

270

271 The applicants thanked the BZC for their time.

272

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO 43015

**ORGANIZATIONAL MEETING
TUESDAY, DECEMBER 14, 2021: 7:00 PM**

273

AGENDA ITEM: OTHER BUSINESS

274

275 Mr. Loveless said the zoning office has been busy.

276

277 There was no further business to come before the Commission.

278

279 There was no further business to come before the BZC. Motion to adjourn and second.

280 Meeting was adjourned.

281

282

283

284

Steve Flaherty, Chairperson

285

286

287

288

Jerry Valentine, Vice-Chairperson

289

290

291

292

Darcy Kaplan, member

293

294

295

296

Christina Littleton, member

297

298

299

300

Angela Brown, member

301

302

303

304

Jenny Sloas, 1st alternate member

305

306

307

308

Sherry Graham, 2nd alternate member

309

310

311

Attest: _____

312

Lisa F. Knapp, Berlin Township Zoning Clerk