

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

SPECIAL MEETING

TUESDAY, JANUARY 3, 2017, 7:00 PM

This meeting was held at the Berlin Township Hall, 3271 Cheshire Road, Delaware, Ohio 43015.

CALL TO ORDER

The meeting was called to order by Chairperson Toni Korleski at 7:00 PM.

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

BZC present: Toni Korleski, Steve Spangler, Ken O'Brien, Mike Bardash (BZC 1st alternate member, seated).

Not Present: BZC member Jerry Valentine.

Also present: Darcy Kaplan, BZC member (recused); Zoning Clerk Lisa Knapp; Zoning Inspector Chet Heid; Zoning Secretary Cathy Rippel.

Ms. Korleski read the adopted BZC policy statement for the meeting, as printed in the agenda.

AGENDA ITEM: LEGAL NOTICE

Ms. Knapp said this meeting was originally advertised in the 7/14/16 Delaware Gazette and held on 7/27/16. That hearing was tabled and continued to 9/28/16, that hearing was tabled and continued to 11/15/16, and that hearing was tabled and continued to tonight at 7:00 p.m.

AGENDA ITEM: APPROVAL OF MINUTES

Mr. Bardash made a motion to approve the minutes from the December 6, 2016 BZC special meeting, as submitted. Mr. Spangler seconded the motion.

Vote: Bardash, yes; Spangler, yes; O'Brien, yes; Korleski, yes. Motion carried, minutes approved.

Mr. Bardash made a motion to approve the minutes from the December 13, 2016 BZC regular meeting, as submitted. Mr. Spangler seconded the motion.

Vote: Bardash, yes; Spangler, yes; O'Brien, yes; Korleski, yes. Motion carried, minutes approved.

AGENDA ITEM: INTRODUCTION OF MEETING ATTENDEES

- ♦ Mark Fowler, assistant county prosecutor, 140 N. Sandusky St., Delaware
- ♦ Marti Davis, 1950 Lackey Old State Road, Delaware Ohio
- ♦ Dave Davis, 1950 Lackey Old State Road, Delaware Ohio
- ♦ Rick Gemienhardt, 88 Africa Road
- ♦ Pat Paykoff, 2798 Peachblow Road
- ♦ David Shade, of Shade & Shade, PO Box 43, Delaware, Ohio
- ♦ Andrew Brush, 1180 Yeager St., Columbus OH 43206
- ♦ Mario Price, 3238 Devonshire Drive
- ♦ Norm Seese, 5650 Roesland Drive
- ♦ Barbara Sherman, 1469 Africa Road
- ♦ Joe Korleski, 3584 Greenville Drive
- ♦ Patrick Carson, 4040 S. Old State Road
- ♦ Bill McNamara, 876 Henry Road, Delaware OH
- ♦ Dwight Piatt, S. Old State Road, Lewis Center, OH 43035
- ♦ John Sherman, 1458 Africa Road, Galena, OH
- ♦ Ted Hardesty, Edge Group, 330 W. Spring St., Columbus OH
- ♦ Tammy Schueler, Evans Capital 925 Henderson Rd. Columbus OH
- ♦ Tony Eyerman, Evans Farm Land Development Co., 1790 Peachblow Road, OH 43015
- ♦ Dan Griffin, Evans Farm Land Development Co., 1790 Peachblow Road, OH 43015

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AGENDA ITEM: BZC #16-001 EVANS FARM

Ms. Korleski said there are four late exhibits submitted by the applicant which need to be entered into the record. They have been initialed by the zoning inspector and the applicant.

- 1) Text amending the original application from preliminary and final development to two-step zoning, with this application being preliminary.
- 2) Letter from Craig Hall, Berlin Township Fire Department, indicating that fire protection is available to that entire area. (1 page)
- 3) List of zoning revisions that refer to the revisions in the PCD and PRD books of A, B, C, D areas (3 pages including cover letter).
- 4) Letter from Mr. Eyerman stating the applicant has committed to install a pedestrian bridge at their expense over the railroad corridor that bisects the Evans Farm community (1 page).

PCD

Mr. Eyerman said the PCD district in the Evans Farm town center for Berlin Township is approximately 43 acres located at the current intersection of Piatt and Shanahan roads. The text is nearly identical to the Orange Township zoning text as Orange Township's comprehensive land use plan (CLUP) also referenced a retail town center. The two town centers are around ¾ mile from each other and they will be a nice hamlet of similar retail uses. One difference is a small piece of property east of the railroad tracks at North and Lewis Center Roads which is more oriented to the public.

Mr. Eyerman said the Berlin CLUP indicates a first choice for a town center at the corner of Africa and Cheshire Roads. However, that area is owned by entities which will never sell, including three corners which are owned by the Army Corp of Engineers. The other corner is owned by the Cheshire Market. The second place where it is indicated to be in this application. It would be integrated with the rest of the Evans Farm development.

Mr. Eyerman displayed renderings and said they were also used as exhibits in Orange Township; they are representative of the architecture, the uses, the feel and the ambiance of what has been proposed there. The county engineer did remove the angled parking from the streets, he noted.

Mr. Eyerman said a few months ago, a group of citizens requested a convenience market at the corner of Hollenback and Old State Road. However, a larger group of residents asked them to remove that store.

Mr. Eyerman said throughout the town center, there would be 35% open space, and the planned commercial area would include that as well. The town center will include a town square, and the primary purpose of the retail area was to provide an area for the community to gather, to worship, to play and to recreate. This will be a place for festivals, farm markets, and the like that would be found in an old town square.

Ms. Korleski asked whether the walking bridge would be connected into the commercial area. Mr. Eyerman said he was not certain although it would be located near there. It will depend on how it works into the ag center; he does not want to propose a bridge that runs through the pasture. Ms. Korleski asked that the pedestrian bridge be included on the plat map and Mr. Eyerman agreed.

Ms. Korleski said a gas station has been indicated in the application. Mr. Eyerman said he has not solicited for any gas stations, but he intends to allow for a 1-2 pump station instead of the typical Speedway gas station. Ms. Korleski asked whether that was included in Orange Township as well. Mr. Eyerman said "yes" and that it is proposed near the corner of North and Lewis Center Roads. He noted that there are strong restrictions such as no display of outdoor materials, screening requirements, etc. He

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noted that communities such as Celebration and West Haven has similar uses that are screened off in a similar manner.

Ms. Korleski said she did not see any trails listed for Piatt Road. Mr. Eyerman said the dark hash lines are trails. There is a trail indicated and proposed on Piatt Road that he has proposed taking through the commercial area, swing it out through the park, and then connect.

Ms. Korleski asked whether the commercial buildings, condos, and apartments would all be rented or purchased. Mr. Eyerman said his intent was to own and rent all of them, but there is a possibility that there may be some “condominium-ized” buildings that would be owned separately. They would be residential, retail or commercial condos.

Mr. Griffin said that the family will stay involved with the commercial condos, although some companies such as Richwood Bank and other single users will want to own their own buildings. Ms. Korleski asked whether the apartments would be rented. Mr. Eyerman said that was most likely. Mr. Griffin said the townhomes and the condos would be for sale. Ms. Korleski asked about the apartments over the commercial buildings. Mr. Eyerman said they would be rented and they would handle and control that.

Ms. Korleski asked who would care for those units. Mr. Eyerman said a management company would.

Ms. Korleski asked whether there would be any blinking or flashing signs and Mr. Eyerman said “no.” Ms. Korleski said a common thread in all three applications is the commitment to annual updates by the applicant as well as a commitment to the final development plans, and those will be discussed. Also, divergences have specifically been stated now; however, none of the principals match the Berlin Township zoning resolution and they are all divergences.

Ms. Korleski said page 58 references a “preliminary and final” development plan. Mr. Eyerman said that is a typo that he missed in the revisions. Mr. Eyerman said the top bullet of page 54 refers to a preliminary development plan and a final development plan submittal, which he intended to be two separate items, but he would modify the text so it is clear.

Mr. Spangler asked what the maximum building height in the commercial area was. Mr. Eyerman said he thought it was 35’ but would need to find it in the text.

Mr. Spangler asked whether the applicant is still considering a bridge for vehicles over the railroad tracks as well. Mr. Eyerman said he has been working with the schools and county auditor’s office on that but that is more of a regional improvement; the developer cannot afford the \$10-12 million project by themselves. The school district approached him and requested a corridor for that and he has even met with Congressman Pat Tiberi, who is working on funding for that. Thus he is allowing for a corridor for the possible future vehicle bridge.

Mr. Spangler asked whether the plans for a walking bridge would change if the vehicle bridge was built sooner than expected. Mr. Eyerman said the plan allows the flexibility either way. If it happens sooner, the Piatt Road alignment will be abandoned and some other changes will be made. Eventually Hollenback Road will connect with Shanahan Road.

Mr. Spangler asked during what phase the walking bridge would occur. Mr. Eyerman said it would occur when the developer acquires the property; the Evans family still owns and farms the land. When the property for the phase where the path is to be located is acquired, it will be built as far as that phase. Ms. Korleski asked whether that was part of phases 1 and 2 and Mr. Eyerman said he believed so and much will be dependent on the

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sewer location. Ms. Korleski said final engineering would still be required. Mr. Eyerman said he would be willing to commit to a condition that the walking bridge is built near or adjacent to that. Ms. Korleski said she would like that included on the map.

Mr. Spangler said the applicant has mentioned in the past that the bridge may look similar to the bridge over Route 23 in Orange Township and he asked whether that was correct. Mr. Eyerman said “yes” and that those are very sound, solid bridges. The bridge will be metal and it may have a concrete deck.

Mr. Spangler asked for the height. Mr. Bardash said that could be located on page 35. Mr. Heid said it was also included with the PCD. Ms. Korleski said the BZC was asking whether the applicant would comply with that, and he is.

Mr. Spangler asked whether all the cell phone towers would be located in the commercial areas. Mr. Eyerman said “not necessarily” and that they would be located in areas that will be as inconspicuous as possible. There is a 16” water line that comes across Hollenback Road, crosses the railroad corridor and comes across and he has been told there will be a water tower there. The developer may assist Del-Co Water with the cost of construction and then the cell phone equipment would be located on top of that.

Mr. Eyerman said a couple may be along the railroad corridor and there may be one tucked in along the wooded area in order to screen the long distance views of them as much as possible. Also their height will be only 90’ compared with the typical height of 120-150’. He has been working with the 5G wireless company and having more short towers will provide equal or better coverage for the regional community versus just a few really tall towers.

Mr. O’Brien said that in order to approve the application, the BZC must have seven findings per Section 17.08 of the zoning resolution.

SECTION 17.08: REQUIRED FINDINGS FOR PCD APPROVAL The Zoning Commission may recommend and Trustees may approve an application requesting that property be included in the PCD zoning district, provided they find that the proposed use complies with all of the following requirements:

- 1.) That the proposed development is consistent in all aspects with the purpose, criteria, intent, and standards of this Zoning Resolution.*
- 2.) That the proposed development meets all applicable requirements of this Article and Zoning Resolution.*
- 3.) That the proposed development is in conformity with the comprehensive plan as adopted or concurrently amended or portion thereof as it may apply.*
- 4.) That the proposed development promotes the health, safety, and general public welfare of the township and the immediate vicinity.*
- 5.) That the proposed plan meets all of the design features required in this Resolution.*
- 6.) That the proposed development will be compatible in appearance with surrounding existing or proposed land uses.*
- 7.) That the development promotes the efficient use of land and resources, promotes greater efficiency in providing public utility services and encouraging innovation in the planning and building of all types of development.*

Mr. O’Brien said he is concerned about how this will be accomplished. Ms. Korleski asked what Mr. O’Brien was reading from. Mr. Eyerman said it was section 17.08 of the zoning resolution.

Mr. O’Brien said at the last meeting he had stated that he “fell in love with the vision” but that the text did not correlate with the vision. He believes it still does not and said

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that “everything can work, but they can’t all work together with the way that they’re proposed.”

Mr. O’Brien said for example, warehouses would work, but that does not help with the walkability of the community. He was concerned about building warehouses and very few shops.

Mr. O’Brien said he understands the concept of retail on the ground floor and residences above. However, the requested zoning change indicates that there may not be any retail and there may just be apartments or other living quarters, without any retail. He asked how this is really PCD when there are many residences “crammed together.” The text indicates the businesses are not required and the residences could also be built on the ground floor.

Mr. O’Brien said the worship center is 100,000 SF, which would be very large, and he asked how much parking would be required for that. However, that is not appropriate for a walkability community because many people would drive to it. That would greatly change the traffic patterns. There are very dense residences with 40’ wide lots that abut that and there would be a lot of traffic going to the place of worship. To him, that is not a walkable community. When he envisioned a community place of worship he was thinking of a 10,000 SF or smaller facility. A rendering of a church was included that did not look like a 100,000 SF church, he added.

Mr. Eyerman said the size reflects the entire use, and many churches have other buildings associated with them such as classrooms, etc. Mr. O’Brien said he had no problem with that but was concerned about the dense units nearby. After the 35% is removed there will only be 28.145 acres. The applicant mentioned that the water tower is on the other side but the letter indicates otherwise and Del-Co Water states they need 1.5 acres, which would leave only 27.6 acres. Two acres under a roof does not even include the parking. The applicant allows certain circumstances but others are allowed as well.

Mr. Eyerman said regarding the place of worship, the 100,000 SF is a maximum provided by a couple of local churches who are interested in moving in. It would probably be a corner church with perhaps a gym or other use to service the community, such as Gracepointe Church. The worship center would not be located in such an area to make it “unwalkable”; the zoning text indicates that parking lots shall not be located up along streets and there are setback and screening requirements for all uses along public roads.

Mr. Eyerman said regarding the density of the multi-family area, that is spelled out in the text as most of them are intended to be brownstones, some of which are 2-3 stories. They will be primarily shared-door or single-door access. There will be some efficiency apartments located above the retail and the office areas as well as some office uses above the retail and the offices as well. There will be a mix of residential and professional offices on the second and third stories.

Mr. O’Brien asked if Mr. Eyerman would be willing to remove the residences from the first floor. Mr. Eyerman said he would be, in certain areas. Mr. O’Brien asked if he would remove it from the PCD area. Mr. Eyerman said he would not in its entirety because there will be brownstones there. For example, in Orange Township there is a transitional area between the planned commercial/retail area and the single-family area, and brownstones are used as the transition. He has tried to do the same thing here and sometimes there will be residential uses on the first floor.

Mr. O’Brien asked what his definition of a brownstone is. Mr. Eyerman said they are very specific to the old urban areas in the United States and Europe, and is similar to Bishop’s Walk on Gay Street behind the cathedral in Columbus. They are brick but have the architectural qualities of a brownstone. They can be designed as a single unit instead of stacked on top of each other and that is how he envisions Evans Farm.

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Mr. O'Brien said the vision is very nice, but that is not what the text states, which is simply that there can be residences with no retail. Mr. Eyerman said he could restrict the brownstones/townhomes to areas abutting single-family developments in order to achieve the desired transition. Mr. O'Brien asked how much retail the developer is committing to; a walkable community must have retail. A 100,000 SF building in this setting is unacceptable to him.

Mr. O'Brien said it could be removed from this preliminary application and included in the final application. The text indicates the commercial could be anything but commercial such as residences or a church.

Mr. Griffin said there are some areas where he agrees with Mr. O'Brien, and there will not be residences on the first floor. During the final application process, he would layout the actual building and commit that there are no residences in the town square area. Mr. O'Brien said that a 100,000 SF building requires a major road, which would not be conducive to walkability without a pedestrian bridge. Mr. Griffin said he would address that.

Ms. Korleski said the commercial area includes brownstones. Mr. Eyerman said "yes" and that the multi-family is included in the commercial area. He said the term could also be "townhouses" instead. Ms. Korleski asked why the multi-family units are located in the commercial area. Mr. Eyerman said that is the only place they could go; they do not belong in the single-family area. Orange Township directed the developer to include them in that application and that continued on to Berlin Township.

Mr. O'Brien said he was not opposed to it in all commercial areas, just in certain places. Mr. Griffin said they would be a buffer, and there are some areas such as the village center where residential first floor living will not be included and he will address that. Mr. Eyerman said that is where the retail, offices, boutiques, shops, restaurants are located. That could be incorporated in the final text.

Ms. Korleski said she did not see where the brownstones would be located. Mr. Eyerman said it could be written in the text and that it would become the transition across the street from the single-family development so they would not abut a boutique, restaurant etc.; it would be across the street. Mr. O'Brien said that would preclude any cell towers because the fall zone must equal the height, which would be 90'. Mr. Eyerman said the towers would mostly be located along the railroad.

Mr. O'Brien said that on page 29 of the text, in building height form and mass, the applicant means well but the wording did not come out well. It indicates that the developer can build anything that has ever been built before. "This requirement may be waived if historic documentation and photos from when the building or a replica of this building was first constructed can be provided that shows a different percentage..." However, it does not define "historic."

Mr. Eyerman asked whether there is an opportunity when the final development plan is submitted to determine whether that is historic or not. Mr. O'Brien said that is the appropriate time to do it. He said there are many problems in the text and he asked whether he was approving all of those problems if the submitted plan is approved. Mr. Fowler said if the BZC approves the plan, the developer is beholden to that other than coming to get final development plan approval. However, some items are conceptual in nature. Whatever is there now is preliminary.

Mr. O'Brien said he has problems with the banners and other items. Mr. Eyerman said he wrestled Orange Township regarding banners throughout the entire zoning process, and it really came down to a simple concept; any retail town center such as Westerville, Granville or Delaware uses banners to promote community functions and to serve as informational. Mr. O'Brien said they can and that is why they need to be brought in and fully discussed.

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Mr. Eyerman said the zoning office in Orange Township reviewed that. Mr. O'Brien said the text indicates that the banners are approved for a certain number of days. Mr. Eyerman said it is approved in that one district as a town center for the community. Mr. O'Brien said for example, based upon the text, Walmart could pay for banners and Walmart banners could be displayed.

Mr. Eyerman said if he has an idea of how to legislate that he would be happy to incorporate that into the text. Mr. O'Brien said that could be done by complying with the existing zoning. Mr. Eyerman said that would create a very sterile streetscape. Mr. O'Brien said the applicant would come back with the final plan and make it better. Mr. Eyerman said then he would need to request a divergence from the preliminary plan. Mr. O'Brien said that was correct. He said the text indicates that any corporate banner could be allowed.

Mr. Eyerman said for example in the City of Delaware there are many community functions. Mr. O'Brien said those make sense but that is not what the applicant included in the text on page 35 which is "All corporate banners are not limited to display periods" which means any corporate banner could be included. Mr. Eyerman said perhaps "corporate" is the wrong term and he would change the text. Mr. Gemienhardt asked whether a Walmart would be built here. Mr. Eyerman and Mr. Griffin responded "no" and Mr. Gemienhardt asked why it was being discussed.

Mr. O'Brien said the seasonal display area discusses planters and that there may be advertisement on the planters. Mr. Eyerman and Mr. Griffin said there would not be and they committed to having no advertisements on the planters.

Mr. O'Brien said he wanted to discuss setbacks next. Mr. Eyerman said that was included on page 24 of the text. Ms. Korleski said a 0' setback is stated. Mr. O'Brien said that allows it to be any size. Mr. Eyerman said the minimum width of any use in the PCD is 12'. Mr. O'Brien said 0' is indicated. Mr. Eyerman said that is the sideyard setback. Mr. O'Brien said the text indicates "the lot width" not the distance between units. Mr. Eyerman said that is for attached units. The intent is that different uses can look different as though they were added on, similar to how the old town were built. It allows for the streetscape to fill in as a unit.

Mr. O'Brien said that is not what the text states, which is "the width of the lot." Mr. Eyerman said that is the multi-family and the attached units. Mr. O'Brien asked what the lot width would be. Mr. Eyerman said it would be whatever the size of the 8 units in the building are. Mr. O'Brien said that the language means any width of lot can be built upon even 2' wide. Mr. Eyerman said he could include text that indicates that the calculation would be 8 units times 20 plus a side yard setback. Ms. Korleski asked why he would include that wording when 0' has been included in the text. Mr. Eyerman said the 0' is not acceptable and he must come up with a manufactured number to address it.

Mr. Eyerman said if they are all developed, there will be 8 unit buildings together and the side yards between them will meet the fire code. Ms. Korleski said it makes sense the way it is written with the 0' width lot because it is the lot width of attached units within the lot. Mr. Bardash said they would be attached. Mr. O'Brien asked how something that is 0' wide could be owned. There was additional discussion. Mr. O'Brien said it is not that the space between the units is 0'; it is the lot itself.

Mr. Eyerman said that page 13 indicates that the minimum width a multi-family townhouse residential unit is 12' and he asked whether that would be an appropriate setback width because it matches the minimum width of a building in the PCD area. Mr. O'Brien said he was not certain because that is very small. Mr. Eyerman said the intent is because they are so small there really is no lot. Mr. O'Brien said if there is not lot, there is no reason to discuss it. If it is infinitely thin there is no real width. There was a discussion regarding whether a lot width was even necessary. Mr. Fowler asked whether each building was considered a separate lot. Mr. Eyerman said they can be.

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Mr. O'Brien said stating a minimum lot width of 0' means they can have lots of any size. Mr. Griffin said that was not his intent. Mr. Eyerman said if they are not attached, the setback on page 24 is required. If they are attached, there is no setback because they are attached buildings. Mr. O'Brien said Mr. Eyerman intended to state that 0' is the distance to the lot line, not a 0' width. Mr. Eyerman said that is the sideyard setback, which is defined elsewhere in the application. He asked whether it would be easier to simply strike the entire sentence from the application. The BZC agreed and Mr. Eyerman said he would remove it from the text.

Ms. Korleski asked whether Mr. O'Brien would move onto any other questions because this is not going to get settled here and Mr. O'Brien may have to talk to them privately. Mr. O'Brien said he did not want to do that. Mr. Eyerman said he would make sure to address that issue. Ms. Korleski asked whether Mr. O'Brien was moving onto another subject.

Mr. O'Brien said these are the concerns that he has and he does not feel that the seven items required by the zoning resolution have been met. If the applicant has tiny lots of 40' but is not guaranteeing there is retail to walk to, then he no longer believes this is a walkable community and thus the rest of the section may be in question. He could pass this as written, but not with the other two books. However, he could approve the other two books with this book written in such a way that people will walk to it and there will be less traffic.

Mr. O'Brien said the application states that the traffic study that was required by the county engineer was accepted, and he asked whether it was approved. Mr. Griffin said he thought there was a letter dated 9/9 that states that. Mr. O'Brien asked whether the traffic for the roads that they are having is approved. Mr. Eyerman said "yes" and Mr. O'Brien asked him to provide that information.

Mr. Eyerman asked whether he was stating that if the developer cannot guarantee that there will be so much retail, he cannot approve it. Mr. O'Brien said the applicant has stated that the CLUP indicates that a town center is a worthy goal. However, if retail is not being provided, a town center has not been provided and he needs to go back to the CLUP and the zoning resolution.

Mr. Eyerman said he would be happy to share market studies with BZC members individually but he does not want them to be out in public. He said he or any other developer would not be able to make any guarantees for that. His guarantee is setting aside 40+ acres of ground in the heart of a 1200-1500 acre planned district in the heart of a much larger regional development on a main street. The developer will be making substantial investments including to improve the roads and will create a planned commercial district.

Mr. O'Brien said the text indicates warehouses and townhouses and there are 40' wide lots next to it and that is not a town center and it does not comply with the zoning resolution or the CLUP. Mr. Griffin said he wrote down the issues and he can address them during the next stage with the trustees.

PUBLIC COMMENT

Marti Davis said she likes Mr. O'Brien's concerns about the application. She liked the fact that Mr. O'Brien wants to make things clear. Ms. Korleski said that is what she likes to do but she did not want to belabor all the points.

Mr. Gemienhardt said that walkability has been discussed quite a bit but the commitment to the pedestrian bridge answers his concerns. That will bring people across to the development from the west. Regarding walkability, it is not guaranteed for every single residence in this community. The vision is the town center and most of the residences will be walkable.

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Mr. Seese said regarding the viability of the retail area, this development is surrounded by Route 23 with all the stores, Polaris to the south, Westerville to the east, and Delaware to the north. He said it appears that the proposed stores are very small mom and pop stores. Mr. Eyerman said they are intended to support the community.

Mr. Seese said the viability of these stores staying open seems to be a major question. He did not think there was enough residences to sustain the stores. There are empty storefronts everywhere in small town areas around here. He was concerned about banners in front of all of the stores. His overall concern was the viability of this area. Mr. Seese said an article was written recently regarding many stores in the commercial district in Celebration are now closed and abandoned including the movie theater because there was not enough traffic to sustain the stores.

Mr. Eyerman said the market study identifies that a certain percentage of the business will come from the residents in this development, but it is not expected that they will fully be supported by them. This will be a regional neighborhood retail area, just like Westerville, Worthington and Grandview are. Regional support is necessary and he has never implied that this will be supported only by people living in the community.

Mr. Seese said those areas require customers to drive there, but that is not addressed in this application. Ms. Korleski said she wanted to interrupt this because Mr. Seese has had his 3 minutes to make his point and Mr. Eyerman has made his point. She said if Mr. Seese is going to look at this negatively, it is not going to go anywhere. Mr. Seese said he is just asking questions.

Ms. Korleski said she has a statement to read: "If we are accepting the concept of an urban walkable community with various residential types of Housing and multiple area of recreational along with accessible commercial areas, then we would be amenable to the Evans Farm regardless of the fact that none of it fits into our zoning code. Then we would accept this application as an entity in itself."

Ms. Korleski said that is looking at it positively. She said everybody can have their own opinions but that is her own personal opinion. She said she was moving on to the next item.

There was a brief recess.

PRD Areas A, B & D

Mr. Eyerman said areas A, B, C & D were simply recorded as those areas as they were assembled into this package. Area A is the Evans Farm property, area B is Wayne Piatt's property, area C is the Paykoff property, and area D is the Loos property. There is no significance in the order. At the last meeting it was requested that the areas be separated because of the development standard differences. Areas C has been separated from the rest of it, and the rest of it is intended to be the smaller lots with the 35% open space. Everything is walkable and has open space, but this is a more diverse use with smaller pocket parks. The architectural standards are much different and will be similar to communities such as Granville, Grandview and the like.

Mr. Eyerman said the homes will typically be a couple of stories, although some will be ranches, and they will have front porches and will be pulled up closer to the street. He grew up in the Linden area, and he used to sit out on his grandparents porch right out on Cleveland Avenue; it was probably ten feet from the right of way. He has proposed different front yard setbacks for different lots, but the intent is that everything will be pulled up closer just like the Evans Farm advertisements, which indicate front porch living lifestyle.

Mr. Eyerman said it is very much focused on getting people outside and getting them to know their neighbors. There are around 15 principles of new urbanism, and he has

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embraced each of them including the conductivity of all of the streets. There will be a grid pattern like the old urban neighborhoods such as Clintonville or Westerville. Even on the curvilinear streets there will still be a maximum distance of a walk which will allow people to walk around the block.

Mr. Eyerman said there will also be trails along all of the major roads, and sidewalks will be provided along all of the other streets. Trails will be provided to the parks and there will be wood trails in some of the environmental areas. The wood trails will be the boardwalks which go through Wetland areas, allowing for his sustainability director to educate people any significance of the environmental areas and why the developer has preserved them.

Mr. Eyerman said that over the last two years the developer has been collecting acorns off of this and nearby sites and the sycamores they have planted are growing. The intent is to capture the genetics of the existing trees and apply them to the next generation. Some of the street trees in four to five years will come from the offspring of the trees that he has just harvested acorns from.

Mr. Eyerman said some of the architectural standards have been provided on the easels here at the meeting. These are examples of what some of the houses may look like.

Mr. Bardash commended the applicant for vacating the one step learning process and changing to a two-step process, as that will allow the BZC to see what this conceptually will look like prior to it being finalized in the future. The commitment to the pedestrian bridge and adding it to the conceptual drawing is a big positive. The applicant has also committed to annual updates with the BZC and that is good because there will be a lot of time between the time this application is approved and the development is actually started.

Mr. Bardash said that it appears that the requested divergences are within the concept of the overall plan.

Ms. Korleski said that regarding the annual update, the applicant has not mentioned in the application that they would come back for each phase for final engineering to come in for final approval. Mr. Eyerman said if he was to have addressed that separately, it was his omission and he apologized. His understanding was that anytime a phase is coming in as a final he would come in, and in addition to that he would come in to update the board on everything else is well.

Ms. Korleski said that the text states there will be an annual meeting. Mr. Eyerman said it does not specifically address the details. Ms. Korleski said that the text indicates "*There are no limitation periods for approval nor any expiration periods associated with preliminary...*" and that needs to be corrected.

Ms. Korleski said the text also states until work is commenced in Berlin Township, but the applicant will have to come back in for final approval for each phase. She asked that this be indicated in the text clearly.

Ms. Korleski asked whether the open space dedicated to the public is only open to the residents. Mr. Eyerman said it has been written so that the owner will have control of access to the open space. As long as he, Mr. Griffin and Evans Farm Land Development Company are involved, the open space will be accessible to the public. Once the home owners' association (HOA) takes it over, then they will have final say on it. That will be the decision of the owners and or their assignees.

Ms. Korleski said that after the HOA association takes over, kids that want to go fishing in the pond may not be able to do so. Mr. Eyerman said at that point, the HOA association will make a decision as to whether the property is accessible or not. There's

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an age-old question that if people are paying the fees, why would they allow someone not paying dues to come and use that property.

Ms. Korleski asked about the agricultural center. Mr. Eyerman said that is more of a regional use and will be under a different owner's association. Ms. Korleski asked whether all the open space would be dedicated. Mr. Eyerman said it would be. Ms. Korleski said that the space is all for the people who live in the Evans Farm. Originally, the open space was to be for the entire area.

Mr. Griffin said it was mentioned that the ballfields and the like would be accessible to everybody, and the concept was that people who live there and around the area could use it. However, when that is put over all the open spaces, there are some internal open spaces that are for residents. The large green spaces will all be open to the general public.

Ms. Korleski said the applicant had stated they would be dedicated. Mr. Eyerman said they would all be dedicated but the designation as open space would not be changed. The rules will change depending on where they are located and some would only be available to the residents; they would not want outsiders coming in and parking along the road in no-parking areas.

Mr. Griffin said all the large green spaces would be open to the public. Ms. Korleski asked where that was in writing. Mr. Eyerman said it was written that the owner makes that call. Ms. Korleski said she read that, and that means that people from outside the community who want to play ball would need to ask for permission. Mr. Griffin said he would clarify in the text that the large green areas will be for regional use.

Mr. Eyerman said that there will be some small community gardens in the smaller parks that would only be accessible to the residents.

Ms. Korleski said the text references a common access drive on the estate lots and she asked how that would be accessed. Mr. Eyerman said there is a common access drive that is identified on the rendering and that provides access to those four lots.

Ms. Korleski said one of the examples shows a smaller 50-60' wide lot that has a auto court and drive that goes right to the garage. Mr. Eyerman said it is a very urban tool where a driveway used for vehicular access can also be used as a patio. Ms. Korleski asked whether it would be covered. Mr. Eyerman said they can be and it would be similar to a portico.

Mr. Spangler said that page 6 discusses livestock and he supports that but he would like to know more details about the typical livestock. Mr. Eyerman said this allows a resident to have a chicken coop with several chickens, and the text states that it must meet all county and other regulations. A sheep is allowed as well, but anything larger than that would not be permitted on the typical single-family lots. If someone wanted a horse in the village they would need 2.5 acres minimum or they could board it at the ag center.

Mr. Spangler asked whether a pig up to 100 pounds would be allow. Mr. Eyerman said that would be the mature size and he could be more clear on that. That could be an ag center item if pigs were allowed. The large hogs would not be permitted on anything less than 2.5 acres. Mr. Spangler asked if that applied to pigs or any size. Mr. Eyerman said he is not an expert on pigs; there are some small, ornamental pigs kept as pets and he did not fancy the notion of having them as pets. If the BZC says "no pigs" that would be fine with him. It would be appropriate to make the pigs part of the ag center where they could be accommodated.

Mr. Spangler said that in this setting, one person may have chickens and their neighbor has a backyard garden. He asked what would be done when the one neighbor's chickens are in the other neighbor's garden. Mr. Eyerman was unsure. Mr. Griffin said that he

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would promote the larger lots for anybody who want to have a larger animal and that he would clean up the language. More detail will be defined in the future. Mr. Eyerman said he wanted to ensure that the typical 4-H-type animals could be accommodated on the lots. Mr. Spangler said he wanted to help prevent or alleviate problems between neighbors. Ms. Korleski suggested limiting animals to the ag center.

Mr. O'Brien asked about illustration 2, which shows Street A north from Orange Township into Street BA where it goes from a street type 1 to a street type B. Mr. Eyerman said Street A is Evans Farm Drive which comes into and goes out of the oval. It extends all the way down to Lewis Center Road and is intended as a boulevard. Mr. O'Brien said it is a very large street that turns into a type 3 street. Mr. Eyerman said it is not very large; it is a lane in each direction with parking on the side. The boulevard, the island in the center and the tree lawns are substantial. Of that corridor, 25' of that is landscaping.

Mr. O'Brien asked whether the county engineer has approved moving Shanahan Road as shown in the plan. Mr. Eyerman said in concept he has agreed that this alignment works. The township has always wanted Shanahan Road to meet up with Hollenback Road, and he asked whether the developer was committing to doing that. Mr. Eyerman said that as the project goes forward, "yes."

Mr. O'Brien asked whether that meant he will not build along Shanahan Road as it currently exists. Mr. Eyerman said "no." Mr. O'Brien asked whether he was committing to not building on present-day Shanahan Road as indicated in the plan. Mr. Eyerman said that was correct. Mr. O'Brien asked if the overpass is not built, would the pedestrian bridge be at grade. Mr. Eyerman said that is the intent. Mr. O'Brien asked whether no phase was going to be built until Shanahan Road is built. Mr. Eyerman said "no" and that he did not say that. Mr. O'Brien asked him to address phasing and at what point Shanahan Road would have to be moved.

Mr. Eyerman said there is flexibility incorporated into this plan. The plan is that the developer is able to accommodate in the short term the extension of Shanahan Road to come over to street A. The advantage of that is that as that is aligned, that will not affect the lots that face onto old Shanahan Road.

Mr. O'Brien asked what phases could be built prior to Shanahan Road being moved. Mr. Eyerman said it may be the last thing to be done. There was a discussion. Mr. Eyerman said the key to the success of the retail is that it is regional success and also the number of rooftops in the area. Mr. Eyerman said there is a plan in the 3rd pocket in front of Tab 2 that identifies the location of the phases.

Mr. O'Brien asked whether the retail was 9 and future phases 10. Mr. Eyerman said "not necessarily" and that there is a phasing plan in the PCD area and it identifies an estimated year.

Mr. O'Brien said the commitment seemed very noncommittal, stating that "the bridge installation will commence with the first phase of construction of the residential community on the west side of the corridor." He asked what "commence" meant. Mr. Eyerman said there is a design, engineering and permitting process that has to occur.

Mr. O'Brien asked if that meant that when construction begins on the west side he will ask for a permit. Mr. Eyerman said that was correct. Mr. O'Brien asked whether it was correct that the developer will not know whether it is permitted by the railroad up until that time. Mr. Eyerman said that was correct and he said it would cost \$100,000 or more just to get a permit for an easement for a sanitary extension. His intention is that there will be a strong likelihood that would be permitted.

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Mr. O'Brien said the text also states it does not need to be completed until the final phase is completed and he asked whether that meant every lot in the entire development would have to be sold. "This bridge will be connected when all phases are completed."

Mr. Eyerman said he did not want to have a bridge to nowhere; if the development has not been completed and the trails installed along the North Road extension on the west and Piatt Road extension on the east, there would be a bridge to nowhere. His intent is that it will be tied with trails to the adjacent trails, so as those trails are completed there is a physical connect. Mr. O'Brien said he understands that, but the applicant may decide to not take a trail to that because it did not meet up.

Mr. Eyerman said it is part of the final development plan for that phase, and at that point it comes before this Board to ensure completed. Mr. Griffin said he is committing to building this. CSX has some guidelines to allow it to be built, and he is comfortable enough to commit to build this and that he will get the permit.

Mr. Griffin said he has personally addressed this situation with Washington and local officials and they have guidelines that need to be followed.

Mr. O'Brien said he understands that the applicant does not want to build the pedestrian bridge immediately but he did not like the fact that the wording is such that it may not be built at all because it never quite meets. Mr. Eyerman said if it is part of the final development plan for that section, that would further refine it. He said he would correct the letter.

Mr. O'Brien said he was also concerned that the developer or their assignees will be responsible for the bridge, so the developer could assign it to another party that may not choose to do it. Mr. Eyerman said that would assign the responsibility. Mr. O'Brien said he would be fine with that if there was bonding or a letter of credit that follows it but the text states the developer does not have to bond anything. Mr. Eyerman said that as the county engineer requires bonding for subdivision work, engineering and sanitary work he will bond those. Mr. O'Brien asked whether he would bond all the roads and the sewers. Mr. Eyerman said "as required by the county, yes." Ms. Korleski said she read that they would bond those. Mr. O'Brien said he read that they did not have to.

Mr. Eyerman said there is a method that is permitted by the county where a developer can build a subdivision without posting a bond; however, the developer still has to pay for it. They also have to insure it that it will last a couple of years, and that is a different bond. If the developer would like to start selling lots prior to the streets being built, he can put a performance bond in place that allows him to start selling lots. Mr. O'Brien said that does not cover the ballfields.

Mr. Eyerman said that is part of the zoning signoff for zoning compliance at the end of the process. He has never bonded for ball diamonds or the like. Mr. O'Brien asked whether they have ever built that many ballfields and Mr. Eyerman said "yes." Mr. O'Brien asked for examples. Mr. Eyerman said the City of Westerville designed several parks with at least 4 ball diamonds such as Hoff Park and Metzger Park. Mr. Fowler asked whether that was enforced in the zoning. Mr. Eyerman said "yes." Mr. Fowler said it is in the submitted plan.

Mr. O'Brien said he is still concerned with the phasing; the applicant is requesting 40' wide lots without a commitment to a certain amount of retail. He is aware that language will be cleaned up and that may change things. Mr. Griffin said when he gets into final design he will be coming back to the BZC on a phase by phase basis. He would address the conditional language for approval that takes a square and starts to show the buildings on it and then he will include designations such as Area A is single family residential, etc. as a part of the final submission, prior to going before the trustees.

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Mr. O'Brien asked whether landscaping would be more specific and included in the final submission. Mr. Eyerman said it would be. Mr. O'Brien said he wanted to state that what has been submitted is not an approved landscaping plan.

PUBLIC COMMENT

There were no comments from the public.

Ms. Korleski asked whether the applicant was requesting a vote this evening by the BZC. Mr. Eyerman said he thought the conditions for each of the books would be outlined and he asked whether those could be part of the motion for approval. Ms. Korleski said she did not feel like having the conditions completed after the fact and she would like to see them in place first. Mr. Eyerman asked whether the BZC could approve the application with conditions that are to be completed prior to the trustee meeting. Mr. Fowler said that could happen. Mr. Eyerman said then Mr. Heid would confirm that.

Ms. Korleski asked whether the conditions would be included on all of the plat maps. Mr. Griffin said that was correct and Mr. Eyerman noted they would also be in the text.

PRD Area C

Mr. Eyerman said this was separated out from areas A, B & D because the Paykoff property was set up differently. He said there is no immediate intent to develop the property and the Paykoffs want to protect their family's investment and contribute to the estate planning. The family decided to come in with the net density calculated, which is 1.5 units/net on the north side of Peachblow Road and 1.85 units per acre on the south side of that road.

Mr. Eyerman said there are 342-343 lots included in those calculations total. The area to the north has move ravines and woods while the south side is a bean field and adjacent to communities with higher densities. He has proposed similar densities to those adjacent properties. Some of those numbers were improved to the south without impacting any increase in the number of lots; it still meets the net density calculations for the north and south side and was done by reallocating some of the lots from the north to the south which created a slightly more condensed area. The open space will still be greater than 20% and it meets the setbacks and other standards required by the R-3 district, which are similar to those in adjacent communities. The development's net density calculation complies with everything and the only divergence requested is the extension for the preliminary plan approval to match the rest of the Evans Farm request as well.

Ms. Korleski said the applicant stated no overlays have been used, but they are. Mr. Eyerman said "not per se" and that he has used some of the development standards of other R-3 districts in the area but he has not declared any overlay per se. Ms. Korleski said the area complies with the total density and she asked whether the applicant was requesting that the entire area be considered as a total planning district and ignore the fact that some of it is in the R-3 and some of it is in the R-2. Mr. Eyerman said "yes."

Ms. Korleski asked about estate lot 343. Mr. Eyerman said an old farm house currently exists there and rather than having a "dogtooth" missing, it would be included in there. Ms. Korleski asked whether it would be part of the HOA. Mr. Eyerman said "yes" and Ms. Korleski asked whether it would be the same HOA as the rest of Evans Farm. Mr. Eyerman said there will be several HOAs throughout the community and there will probably be master HOA to maintain certain areas such as the oval, the larger regional parks, etc. There will also be some smaller HOA's as well.

Ms. Korleski asked whether the 10' wide trail on Peachblow Road would be continued all the way across. Mr. Eyerman said it would be extended across the area that is included in the zoning, and as the rest is developed later it would extend on. He pointed it out on a rendering. Ms. Korleski noted some of the homes are not owned by the Paykoff family so the path could not be extended across there. Ms. Korleski asked whether it could be

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extended on the other side of the road. Mr. Eyerman said that was possible but he decided to wait until it was developed at a later date. Ms. Korleski said it would be nice to have a trail that goes all the way across.

Mr. Eyerman said that as the area Ms. Korleski asked about initially comes into the county and the township for final development plans, the trail will be extended.

Ms. Korleski asked whether there would be street lighting all over and Mr. Eyerman said “yes,” adding that there will also be street trees.

Ms. Korleski said that Exhibit A is 108.3 acres. The text also reads here “*Use of open space at the consent of the property owner.*”

Mr. Spangler asked whether just one divergence is being requested. Mr. Eyerman said that was correct and that would also help maintain as many of the trees as possible and preserve the ravine. The numbers have not changed and the plan would meet the net calculations. It is also well within the comparison densities for the adjoining communities. Ms. Korleski said that Shadow Creek is 1.86 units/acre and Piatt Meadows is 2 units/acre. Mr. Eyerman said he did not believe that the proposal exceeds 2 units/acre. Ms. Korleski read from the plan and said the southern density is 2.15 units/acre and the northern part is 1.195 units/acre.

Mr. Fowler said the condition so far is that this will have its own HOA and will also be part of the master HOA. Ms. Korleski said it would follow the same guidelines regarding time limits as the other books. Ms. Korleski asked whether the conditions would go to Mr. Heid. Mr. Fowler said Mr. Heid should verify the conditions have been complied with prior to the submittal to the trustees.

Mr. Griffin said he has the following seven conditions:

- 1) The plan needs to designate the central town center and warehouses would be removed.

Ms. Korleski stopped him and said a short recess could be taken and Mr. Griffin could compare those conditions with Mr. Fowler’s list of conditions.

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

Ms. Korleski noted that the BZC now has a new second alternate member, Marty Johnson.

Ms. Korleski asked whether the applicant would like to request a vote, as there are only 4 BZC members present at this hearing. Mr. Griffin said he feels confident that since the conditions have been written in the record, he would like to request a vote at this meeting.

RESOLUTION 2017.01.03.#A: APPROVE BZC CASE #16-001 EVANS FARM

Ms. Korleski made a motion to approve BZC Case # 16-001 filed by Evans Farm Delaware, LLC, Old State Farm, LLC, Wayne Piatt Trustee, CNB Bank Successor Trustee, c/o Evans Farm Land Development Company, LLC, 1790 Peachblow Road, Lewis Center. The applicants are now requesting a preliminary only, known as Evans Farm, to rezone for a mixed use, from Farm Residential District to Planned Residential District and also Planned Commercial District, of 607 acres, and also 314.21 acres belonging to the Paykoff Family, with the following conditions stated by Mr. Fowler, to be complied with prior to trustee submittal:

1. The applicants will designate the central town center in the PCD area.
2. All warehouses will be removed from the PCD district and that will no longer be a permitted use in the PCD area.

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3. In the town center where there is mixed use development consisting of residential and commercial development, there will be no residential uses on the first floor.
4. In the town center, there will be no single use above 50,000 SF.
5. There will be a 180' diameter (or 90' in each direction) around all cell tower locations.
6. In the PCD area, no corporate banners will be permitted and there will be no advertising on the planters.
7. All signage is subject to final development plan approval.
8. On page 24 of the PCD text, the 0' lot width will be removed from the text regarding attached units.
9. The approximate location of the pedestrian bridge over the railroad tracks will be shown on the plat map. The bridge will be built when the abutting phases are 80% built or sooner.
10. In the public spaces that are not restricted to only HOA use, the applicant has committed to build and have ready for use the indicated amenities such as ball fields, agricultural center etc. when construction in the phase where the open space is located is 80% complete.
11. Only the small parks will be restricted to HOA use, and the developer will provide a chart that shows which parks and open spaces will be open for public use and which will be restricted to HOA use only.
12. Remnant language in the text referencing the one-step development plan will be removed from the final development plan.
13. The applicant will provide an approved traffic study.
14. In the single-family portion of the PRD, on lots less than 2.5 acres in size there will be no large or offensive pets such as pigs, horses, cows, or sheep.
15. Cemeteries will not be permitted in any district.
16. Where Shanahan Road will be moved, the developer will not build where Shanahan Road currently lies.
17. Landscaping will be contingent on the final development plan.

Discussion

Mr. Eyerman said that with Evans Farm being well over 1000 acres and currently under construction along Lewis Center Road, in effect the developer has started construction for the phases in Orange Township. With two townships it complicates things, and that is why he has requested in each of the binders a divergence from the zoning text of the one year time limit after approval of the preliminary plan to submit the final development plan. He is requesting this because in effect, the developer has started construction. The developer is restricted regarding when development can start in Berlin Township based upon sewer access, and the sewers go from south to north. He has also requested that the 1 and 3 year rule to be waived.

Mr. Griffin said he would commit to no longer than 3 years, and he believes he will be up here in 5-6 years but will certainly have to start within 10 years. Ms. Korleski asked whether all the final developments would be brought in within 10 years. Mr. Eyerman said the first phase of the final development plan would be submitted within 10 years. Mr. Griffin said that works in tandem with the annual reporting.

Ms. Korleski asked whether that would mean that the developer has 10 years to bring in one phase. Mr. Eyerman said it would be 10 years to bring in the first final development plan. Ms. Korleski asked whether it was correct that if the developer does not present a final development plan within 10 years, they would have 3 years from that time to start construction. Mr. Eyerman said it is 10 years to bring in the first phase as identified in the zoning text. Once the final is submitted, the developer would have 3 years to construct it.

David Shade, attorney representing the Paykoff family, Eleanor Loos, and Wayne Piatt, said that they all plan to stay in their homes for a long time and he did not want a 10 year rule that would screw them up. Mr. Eyerman said he would need to come back before

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930 the township with his first phase for final development plan and then he would have 3
931 years to build it. Once that has been filed, that would lock the zoning in place
932 indefinitely.

933

934 Mr. Fowler asked how the phasing would go and asked whether the developer would not
935 bring in a full final development plan but instead bring them in by phase. Mr. Eyerman
936 said it would be by phase; the final development plan includes final engineering; it would
937 not be practical to engineer 600-700 acres so just the first phase would be engineered.
938 Mr. Fowler said then the timeline would be met for the rest of the phasing.

939

940 Mr. O'Brien said the zoning is locked in once it has been approved, but the plan is not
941 locked in. Thus they would have 10 years to have the final development plan locked in,
942 and then three years to start. The neighbors will want to know what will be built on the
943 property, so there should be a plan within 10 years on the entire submittal. Having it
944 built within 3 years is not realistic, but what is unrealistic is to state that 40 years from
945 then a development based upon this text could be built.

946

947 Mr. Shade said that the text for a development on Gregory Road indicated that the
948 application needed to be made before 10 years, but for those parts that were not
949 concurrent an application could be made at that time to extend. Ms. Rippel said that was
950 the Glenmead development in 2007.

951

952 Mr. Shade said there were several extensions for that and his clients could live with
953 something like that. There was a discussion.

954

955 Mr. Fowler suggested the language indicate that phase 1 will be approved within 10 years
956 and all other phases will be approved with two-year increments approval by the BZC.

957

958 Mr. O'Brien said that the phasing is important because of bonding; once a phase is
959 started, the sewers and roads need to be completed. Ms. Korleski said the developer
960 would not build a phase that is only half. Mr. Griffin said his intention is to build a phase
961 and then get rolling. He is not the kind of developer that bonds off improvements that it
962 has not made just to get going on something earlier. He will be moving phase by phase
963 and will install the infrastructure for each phase. It is not desirable to build it all, bond it
964 all off and then have a field full of empty streets.

965

966 Mr. O'Brien said that a person can get a certain number of sewer taps without having to
967 pay half first, and have a commitment from the county forever. So, if a developer only
968 reserve a certain number of taps up front, that is the only commitment they would have
969 from the county, and then they would end up having numerous lots without sewers. Mr.
970 Griffin said the developer would then need to bond off the other sewers. Mr. Eyerman
971 said he would comply with all the bonding requirements of the county engineer. Mr.
972 O'Brien said he wanted to ensure there are taps for everything that is in the phase. There
973 was additional discussion

974

975 Mr. O'Brien said he wanted to clarify that every two years the BZC has the opportunity
976 to say yes or not, but up until 10 years the BZC must approve the final development plan
977 if it complies. Ms. Korleski said the developer will still come in for annual updates.

978 18. The applicant will have 10 years to submit the final development plan for the first
979 phase. Final development plans for subsequent phases that are submitted after the
980 10 year time period are subject to BZC approval of two-year extensions.

981 Mr. Spangler seconded the motion. Vote: Korleski, yes; Spangler, yes; Bardash, yes;
982 O'Brien, yes. Motion carried.

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AGENDA ITEM: OTHER BUSINESS

Ms. Korleski said the next BZC meeting will be on 1/10/17 at 7:00 p.m. when the Cottages at North Lake Woods by Joe Ciminello, and The Pines by M/I Homes applications will be heard.

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

SYNOPSIS

The following resolution was approved:

- ❖ Resolution 2017.01.03.#A: Approve BZC Case #16-001 Evans Farm.

Toni Korleski, Chairperson

Jerry Valentine, Vice-Chairperson

Steve Spangler, member

Ken O'Brien, member

Mike Bardash, 1st BZC alternate, seated

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