

NORTHSTAR APARTMENTS

36/37 Planned Mixed Use District
Wilson Road
Berkshire Township, Ohio
June 10, 2021



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BERKSHIRE TOWNSHIP ZONING OFFICE

1454 Rome Corners Road

Galena, Ohio 43021

740-965-2992, Ext. 1

Berkshire.zoning@gmail.com

www.berkshiretwp.org

Application # _____
Date received _____
Township Fee \$ _____
Make Check Payable to Berkshire Township
DCRP Fee \$300.00 _____
Make Check payable to Delaware County Regional Planning

Application for Planned Mixed Use District Zoning (PMUD) Circle one: PMUD Article 16 Article 17

Name of applicant: DC Building Company Contact name: David Ruma

Address of applicant: 485 Metro Place South, Suite 350

City: Dublin State: Ohio Zip: 43017

Contact Phone: 614-325-8957 Email: david@dcbuildingcompany.com

Name of Property owner: Northstar Residential Development LLC

Address of property owner: 375 N. Front Street

City: Columbus State: Ohio Zip: 43215

Phone _____ Email _____

Location/address of property to be rezoned: Wilson Road, Sunbury, OH 43074

Parcel number(s): portions of 417-220-01-012-001, 417-220-01-012-004, and 417-210-02-013-000

Current zoning: 36/37 PMUD Current use: Agriculture Total acres: +/- 20.68

NCAIS Code No. _____ Proposed Use: Multi-Family Acres to rezone: +/- 20.68

Submittal Requirements. The following must be submitted with the correct application fee:

See Berkshire Township Zoning Fees sheet online at <http://www.berkshiretwp.org/berkshire-township-zoning-laws.html> for complete fee list. Make check payable to Berkshire Township.

The applicant(s) shall prepare and submit **eight (8) copies of this application, the Development Plan, and all attachments, along with an electronic copy and all applicable fees** to the Berkshire Township Zoning Commission. The application shall be signed by the applicant and all owners of property included in the application. The Berkshire Township Zoning Commission may request that any county agency and/or any committee of the Delaware County Regional Planning Commission submit comments for consideration at the meeting.

The undersigned hereby certify that the information contained in this application and its supplements are true, correct, and complete. The undersigned agree to be bound by the provisions of the Berkshire Township Zoning Resolution, and also gives Berkshire Township permission to place signage on the subject property to announce hearings.

Property Owner: Bart Barok Date: June 10, 2021

Property Owner: _____ Date: _____

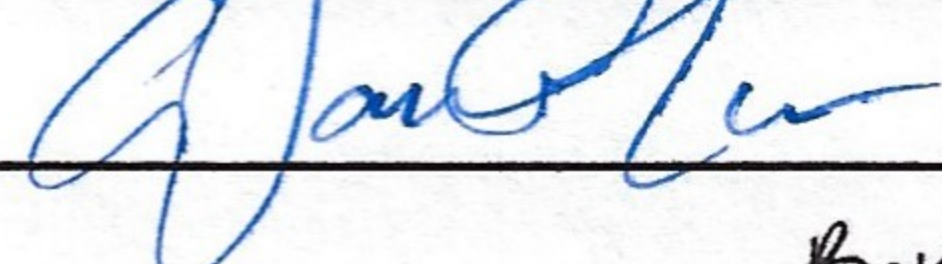
Applicant: [Signature] Date: 6/10/21

The Application shall be accompanied by a development plan and the following supporting information and documentation in text and map form: 16.06 (B) or 17.06 B)

1. A survey plat and legal description by a registered Ohio surveyor showing the size and location of the proposed development.
2. A grading plan drawn to scale, showing all information pertaining to surface drainage.
3. A detailed landscape plan shall be submitted with the development plan and shall be subject to approval as part of the development plan. It shall depict and identify all proposed landscaping features.
4. A detailed signage and exterior lighting plan shall be submitted with the development plan and shall be subject to approval as part of the development plan.
5. A detailed parking and loading plan shall be submitted with the development plan and shall be subject to approval as part of the development plan.
6. An explanation of the method/structure and proposed documentation and instruments to be used in order to perpetually own, maintain, and preserve the open space, as required, that is unified and permanently protected. The location, size and proposed spaces are to be detailed.
7. A complete development plan which shall contain **ALL** the information/materials listed in section 16.06(C) or 17.06 (C) of the Berkshire Township Zoning Resolution.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Applicant and property owner(s) certifies that all information contained herein is true and accurate and is submitted to induce the issuance of the requested zoning change. Applicant agrees to be bound by the provisions of the zoning resolution of Berkshire Township, Delaware County, Ohio.

Applicant:  Date: 6/10/21
 Property owner(s): Bart Barok Date: June 10, 2021

NOTE: The initial application fee covers **TWO** Zoning commission hearings. If additional hearings are requested by the applicant, additional fees will be charged in accordance with the adopted fee schedule and are payable before the next hearing will be scheduled.

Received by: _____ Date: _____

For Zoning Commission Use Only:

Section 16.06

- E.) Basis of Approval. In determining whether or not to approve an Application and Development Plan, the reviewing authorities shall consider the following:
- 1.) Whether the proposed Application and Development Plan are consistent in all aspects with the purpose, criteria, intent, and standards of this Zoning Resolution and whether any divergence is warranted by the design and amenities incorporated in the Development Plan.
 - 2.) Whether the proposed Application and Development Plan meet all of the design features required in this Zoning Resolution.
 - 3.) Whether the proposed Application and Development Plan are compatible with the existing land use character, consistent with the intent and purpose of **Article 16 OR Article 17** of this Resolution, and are in keeping with the Berkshire Township, Delaware County, Ohio Comprehensive Plan (the "Comp Plan") and other applicable public plans for the area.
 - 4.) Whether the proposed development will be adequately served by essential public facilities and services including, without limitation, roads, walkways and bike paths, police and fire protection, drainage structures, potable water and centralized sanitary sewers or other approved sewage disposal systems.
 - 5.) Whether the proposed Application and Development Plan promote greater efficiency in providing public and utility services and encouraging innovation in the planning and building of all types of development.
 - 6.) Whether the proposed development can be made accessible through existing Township roadways or roadways and lane improvements actually being constructed and opened prior to the use and occupancy of the proposed development without creating unreasonable traffic congestion in the immediate vicinity of the proposed development or elsewhere in the Township.
 - 7.) Whether the proposed development is designed in such a way as to minimize any unreasonable adverse impact on surrounding areas of the Township.

In approving the Application and Development Plan, the Zoning Commission may impose such conditions, safeguards and restrictions deemed necessary in order to carry out the purpose and intent of the PMUD.

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Galena, Ohio 43021
740-965-2992, Ext. 1

Berkshire.zoning@gmail.com

www.berkshiretwp.org

RESOURCE INFORMATION FOR COMMERCIAL AND PLANNED RESIDENTIAL PROJECT APPLICANTS

With any large project, there are several county and government departments whose input is required before any construction can begin, and in some cases, even before any township zoning can be approved.

Berkshire Township Zoning Department recommends that you contact all of the following entities when preparing your application. Many times, written letters of approval or preliminary permits must be obtained. Failure to do so can result in delays in zoning or construction.

LOCAL FIRE DEPARTMENT:

BST&G Fire Department
350 West Cherry Street
Sunbury, OH 43074
(740) 965-3841
<http://bstgfiredistrict.org/bstg/>

DELAWARE COUNTY DEPARTMENTS

Delaware County Code Compliance
50 Channing Street
Delaware, Ohio 43015
(740) 833-2200
<https://codecompliance.co.delaware.oh.us/>

Delaware General Health District
1-3 West Winter Street
Delaware, OH 43015
(740) 368-1700
<https://delawarehealth.org/>

Delaware County Engineer
50 Channing Street
Delaware, Ohio 43015
(740) 833-2400
<https://engineer.co.delaware.oh.us/>

Delaware County Regional Planning Commission
109 N Sandusky Street
Delaware, OH 43015
(740) 833-2260
<http://dcrpc.org/>

Delaware County Soil and Water Conservation District
557 Sunbury Rd # A
Delaware, Ohio 43015
(740) 368-1921
<https://soilandwater.co.delaware.oh.us/>

Northstar Apartments Narrative

6/10/21

Applicant

DC Building Company
David Ruma
485 Metro Place South, Suite 350
Dublin, OH 43017

DC Building Company is proposing a Multi-Family Residential development located along Wilson Road, to the northeast of the intersection of I-71 and SR 36/37. The proposed development consists of approximately 20.69 acres, will contain 240 dwelling units, clubhouse, mail kiosk, compactor and garages, and will provide 463 parking spaces (54 of which are provided within enclosed garages.) The site will also preserve existing trees on the north portion of the site and will provide a wet basin in the south west corner of the site.

All open space on the site shall be owned and maintained by the property owner, who shall also be responsible for all trash removal, lawn mowing, landscape maintenance, and property maintenance.

There are divergences requested with this proposal and are as follows:

Section 17.08(E)(3) Building Dimensions

It is requested that the buildings be allowed to have a lower minimum square footage than 700 square feet for 1 bedroom units, and a lower minimum square footage than 900 square feet for 2 bedroom units. The lowest minimum square footage for 1 bedroom units would be 594 sq. ft. and for 2 bedroom units it would be 873 sq. ft.

See Exhibit C-1 for a table of the unit type breakdowns, and Exhibits F-2, F-2.1, & F-2.2 for the Building Floorplans.

Section 17.08(F)(2) Materials

It is requested to allow the proposed development to use vinyl on the exterior elevations of all proposed buildings, instead of the natural materials required.

Northstar Apartments

36/37 PMUD Application

6/10/21

ARTICLE 17 36/37 Planned Mixed Use District

Section 17.01 – NATURE OF THE DISTRICT

The 36/37 Planned Mixed Use District (“36/37 PMUD”) is created pursuant to Section 519.021(C) of the Ohio Revised Code to further the purpose of promoting the general public welfare, encouraging the efficient use of land and resources, promoting public and utility services, and encouraging innovation in the planning and building of appropriate types of retail, office, office/warehouse, warehouse and residential development. The 36/37 PMUD achieves this purpose by permitting flexibility of design in order to promote and accommodate environmentally sensitive and efficient use of the land, thereby allowing for a unified development that:

- Permanently preserves unique or sensitive natural resources and integrates Open Space within developments.
- Reduces the amount of infrastructure, including paved surfaces and utility easements, necessary for development.
- Reduces erosion and sedimentation by minimizing land disturbance and removal of vegetation.
- Provides an opportunity for an appropriate mix of open space, office, retail, institutional and Residential Uses not otherwise permitted within the standard zoning district classifications.
- Enables more extensive review of design characteristics to ensure that the development project is properly integrated into its surroundings and is compatible with adjacent development.
- Assures compatibility between proposed land uses within and around the 36/37 PMUD through appropriate development controls.
- Enhances the welfare and economy of the Township by making available a variety of employment opportunities, providers of goods and services as well as providing a variety of housing options for the Township residents.
- Encourages unified development projects that exhibit creative planning and design in ways that cannot be achieved through a standard zoning district, yet are imaginative in architectural design and are consistent with applicable public plans for the area and are compatible with surrounding land uses.

Section 17.02 – OVERLAY AREA ESTABLISHED

The 36/37 PMUD is created pursuant to Section 519.021(C) of the Ohio Revised Code and encompasses, includes, overlays and rezones to the 36/37 PMUD the area shown on the 36/37 PMUD Overlay Zoning District Map, which map is attached hereto and incorporated herein as Attachment 1 and is hereby adopted as the official Zoning District Map for the 36/37 PMUD as part of this amendment. The existing zoning regulations and districts for such area shall continue to apply to all property within the 36/37 PMUD unless the Berkshire Township Zoning Commission approves an Application of an owner of property to subject the owner’s property to the provisions of the 36/37 PMUD. Such an Application shall be made in accordance with the provisions of **Section 17.06** of the Berkshire Township Zoning Resolution and shall include a Development Plan in compliance with the provisions of **Section 17.06(C)**. Upon receiving such an Application and Development Plan, if the Berkshire Township Zoning Commission determines that the Application and Development Plan comply with the provisions of this **Article 17** and approves the Application, the Berkshire Township Zoning Commission shall cause the zoning map to be changed so that the underlying zoning district no longer applies to such property, with the property being thenceforth located in the 36/37 PMUD and subject to the regulations thereunder. The approval of the Application and Development Plan and the removal of the prior zoning district from the zoning map is a ministerial act and shall not be considered to be an amendment to the Berkshire Township Zoning Resolution.

Section 17.03 – PERMITTED USES

- (A) Permitted uses within the 36/37 PMUD according to their 2012 North American Industry Classification System (NAICS) code numbers, may be permitted when approved by the Development Plan process and built and/or developed in strict compliance with the approved Development Plan and standards, provided that each such use is listed as a permitted use in this **Section** and is specifically set forth in the Development Plan.

The precise use or type of use of the tract shall be specified in the plan as submitted and approved and shall be subject to the Use-Specific Requirements set forth in **Section 17.03(B)** herein, as applicable.

2012 NAICS CODE #	Use
1114	Greenhouse, Nursery and Floriculture Production
311811	Retail Bakeries
441110	New Car Dealers – Subject to Sections 17.03 (B)(1)(a) and 17.03(B)(1)(c) hereof
441120	Used Car Dealers – Subject to Sections 17.03(B)(1)(b) and 17.03(B)(1)(c) hereof
4413	Automotive Parts, Accessories, and Tire Stores
442	Furniture and Home Furnishings Stores
443	Electronics and Appliance Stores
444	Building Material and Garden Equipment and Supplies Dealers
445	Food and Beverage Stores
446	Health and Personal Care Stores
447	Gasoline Stations
448	Clothing and Clothing Accessories Stores
451	Sporting Goods, Hobby, Book, and Music Stores
452	General Merchandise Stores
453	Miscellaneous Store Retailers (except Adults Only Entertainment Establishments and 45393 Manufactured Home Dealers)
491	Postal Service
493110	General Warehousing and Storage – Subject to Section 17.03(B)(2) below
51113	Book Publishers
512131	Motion Picture Theaters (except Adults Only Entertainment Establishments)
51224	Sound Recording Studios
513112	Radio Stations
51312	Television Broadcasting
5133	Telecommunications
514	Information and Data Processing Services
52	Finance and Insurance
5312	Offices of Real Estate Agents and Brokers
53211	Passenger Car Rental and Leasing
5322	Consumer Goods Rental
53242	Office Machinery and Equipment Rental and Leasing
54	Professional, Scientific and Technical Services
55	Management of Companies and Enterprises
561	Administrative and Support Services
61	Educational Services
621	Ambulatory Health Care Services
6221	General Medical and Surgical Hospitals
623	Nursing and Residential Care Facilities – but expressly limited to facilities designed for, marketed to and primarily serving persons 55 years and older and consisting solely of independent living, assisted living, memory care and/or skilled nursing care or any combination thereof, but not independent living only facilities.
71111	Theater Companies and Dinner Theaters
71112	Dance Companies
71211	Museums
71394	Fitness and Recreational Centers

71395	Bowling Centers
72111	Hotels (except casino) and Motels – Subject to Section 17.03 (B)(6) below
722	Food Services and Drinking Places (except those establishments offering or featuring entertainment included in Adults Only Entertainment Establishments as defined in Article 4).
8112	Electronic and Precision Equipment Repair and Maintenance
8114	Personal and Household Goods Repair and Maintenance
812	Personal and Laundry Services
813	Religious, Grantmaking, Civil, Professional and Similar Organizations
92	Public Administration
	Residential Use – as defined in Section 17.09 below

(B) Use-Specific Requirements. The following requirements, in addition to all other applicable development standards, shall apply to the following specific uses:

- (1) Automobile Dealer use shall be limited as follows:
 - (a) New Car Dealers under NAICS Code #441110 shall be a permitted use as a matter of right within the 36/37 PMUD, including New Car Dealers selling both new and used cars, whether on the same parcel or on separate non-contiguous parcels within the 36/37 PMUD as long as under common ownership.
 - (b) Used Car Dealers under NAICS Code #441120 may be permitted only with a divergence granted by the Zoning Commission in its discretion pursuant to **Section 17.06 (C)(29)** hereof and any such Used Car Dealer use shall be located on a site of not less than 7 acres unless a divergence is granted by the Zoning Commission in its discretion pursuant to **Section 17.06(C)(29)** hereof.
 - (c) New Car Dealers under NAICS Code #441110 and Used Car Dealers under NAICS Code #441120, if applicable, shall only be located in Zone 4A and the western half of Zone 4B.
- (2) General Warehouse and Storage use shall be limited to facilities located only in Zone 3A, Zone 3B, Zone 4A and Zone 4B, having not less than a 100-foot buffer from the northern boundary line of the 36/37 PMUD, if applicable, not exceeding 100,000 sq. ft. in size, having no more than 10 loading docks, having no outside storage unless a divergence is granted by the Zoning Commission pursuant to **Section 17.06(C)(29)** hereof, and shall require appropriate setbacks and screening as determined by the Zoning Commission.
- (3) Office-Flex. Offices and research/laboratory facilities may include ancillary space for clean manufacturing and assembly, wholesaling and/or related showroom(s), warehousing and or distribution purposes, so long as no more than forty percent (40%) of the gross floor area of any structure is used for such ancillary use(s).
- (4) Home Health Equipment Rental. The renting of home-type health and invalid equipment, such as wheel chairs, hospital beds, oxygen tanks, walkers, crutches, etc. may be permitted as an accessory use to the primary use of a structure for Professional, Scientific and Technical Services as defined by **Section 17.03(A)** of this Zoning Resolution.
- (5) Accessory Multi-Family Dwelling Structure Components. Any Multi-family Dwelling structures located within the 36/37 PMUD, if approved as part of the Development Plan, shall be permitted to include the following accessory uses, so long as those uses are either wholly contained within the Multi-Family Dwelling structures or architecturally and operationally integrated into the Multi-Family Dwelling proposal:
 - (a) Private Garages.
 - (b) Food Services and Drinking Places.