

BERLIN ZONING COMMISSION

7:00 P.M.

REGULAR MEETING

MARCH 11, 2008

HELD AT: Berlin Township House, 3271 Cheshire Road, Delaware, OH.

MEETING CALLED TO ORDER Rick Sedlacek, Chairperson at 7:00 P.M.

PLEDGE OF ALLEGIANCE: Jim Hahn led the group in reciting the Pledge.

ROLL CALL: Rick Sedlacek, Jim Hahn, Bob LeBlanc, Jerry Valentine, Betty Bringardner 1st Alternate (seated). Newly appointed member to BZC Kirstin Yoroko and newly appointed 2nd alternate Rae Kerlin.

OTHER ATTENDEES: Lisa Knapp, Larry Boyce, Earlene Skeels, Carl Skeels, Ed Snodgrass, and Darin Hilt.

Rick Sedlacek Read the adopted policy statement as printed in the Agenda for the meeting.

Rick Sedlacek Addressed the two new appointees stating that the alternates have always been asked to attend the meetings. In case they need to be seated, in the absence of a regular commission member, they are up to date on the project before the commission and in a position to actively participate as a voting member of the commission.

RESOLUTION BZC 03-11-08-01: **Motion was made to accept and approve the February 12, 2008 minutes as amended and sent to commission members via e-mail.**
Motion by Jim Hahn
Seconded by Betty Bringardner
All in favor say “aye”, opposed same sign. No opposition, motion passed.

Rick Sedlacek Since Kirstin Yoroko was appointed to the commission on March 10, 2008, Mr. Sedlacek thought it would be prudent for the commission to allow alternate Betty Bringardner to serve at tonight’s meeting. At the April meeting, Kirstin Yoroko will be seated as a regular member of the commission.

RESOLUTION BZC 03-11-08-02 **Motion was made to allow Betty Bringardner to serve on the commission tonight even though Kirstin Yoroko was named March 10, 2008 as a regular member to serve on the commission.**
Motion by Bob LeBlanc
Seconded by Jim Hahn
All in favor say “aye”, opposed same sign. No opposition, motion passed.

VERIFY ADVERTISEMENT OF MEETING: Proof of publication was presented for the ad that appeared in the *Delaware Gazette* February 28, 2008 advertising the meeting date and items for discussion.

Rick Sedlacek Agenda Item 1. **BZC #08-002-Preliminary/final step for application, P & D Builders, for 20,000 square foot corporate office building, Parcel #41944005014000, 3.508± acres located at 59 Greif Parkway, Lot 3873 at Greif Park, Lewis Center, OH 43035.**

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P & D Builders,
47 S. Liberty Street, Powell, OH.
Preliminary/Development Plan for
Parcel #41944005014000, lot 3873, Greif Corporate Parkway
BZC #08-002, hearing date
March 11, 2008

Original File Exhibits

1. Application for final development plan, dated 01/08/08.
2. Letter dated 2/13/08 to Berlin Township Zoning Officials, from Ed Snodgrass, P&D builders, LTD, Schedule of Exhibits, *submitted with application dated 01/08/08.*
3. Development text, (11-Pages), *submitted with application dated 01/08/08.*
4. Site Development Plan (5-pages) for 3873, Greif Park, P&D Builders, dated 11/2007, *submitted with application dated 01/08/08.*
5. Site Development Plan, Grading & Erosion Control (1-page. 5 of 5) for 3873, Greif Park, P&D Builders, dated 11/2007, *submitted with application dated 01/08/08.*
6. Letter from Jim Clarke, Clarke Architect, Inc. dated 02/12/08 re: building height, 4-pages of building design, dated 01/16/08, *submitted with application dated 01/08/08.*
7. Letter from Charles L. Orth, Registered Landscape Architect, dated 02/15/08 re: P&D Builders landscape plan review, large plat plan with landscape design plan (no date), *submitted with application dated 01/08/08.*
8. Plat plan of "The Park at Greif", 3-pages, dated 07/27/01, *submitted with application dated 01/08/08.*
9. Location map from the DALIS web showing surrounding public facilities, 1-page, (no date), Aerial photo of proposed location, 1-page, printed from DALIS web on 12/19/07, *submitted with application dated 01/08/08.*
10. Certified address from Delaware County Map department for parcel, 1-page, dated 12/20/07, list of surrounding property owners from the Delaware County Treasurer's office, 1-page, dated 12/19/07, *submitted with application dated 01/08/08.*
11. Legal description of property, 1-page, (no date), preliminary timeline for site improvements, 1-page, (no date), *submitted with application dated 01/08/08.*
12. Letter from Shane Clark, Del-Co Water Co., Inc. dated 12/14/07, Letter from Jody Beaver, Columbia Gas of Ohio, dated 12/14/07, Letter from Jack Smelker, Delaware County Environmental Services, dated 12/13/07, Letter from William Bechstein, Berlin Township Fire Department, dated 12/17/07, Letter from Doug Riedel, Delaware County Engineer, dated 12/14/07, Letter from Robin Hand, AEP Ohio, dated 12/13/07, Letter from Brad Snyder, Verizon, dated 12/12/07, Letter from Chris Korleski, Ohio EPA, dated 01/15/08, Letter from, Frank Reinhard, Delaware County Bank, dated 01/11/07, and Letter from Doug Riedel, Delaware County Engineer, dated 02/12/08, *submitted with application dated 01/08/08.*
13. Proof of request via email in the *Delaware Gazette* dated 02/25/08.
14. Certified mail receipts dated 12/27/07 along with landowner letter dated 12/28/07.
15. Notice of Hearing to the applicant dated 2/28/08.
16. DCRPC minutes, dated 2/28/08.
17. Proof of publication in *Delaware Gazette* dated 2/28/08.

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Rick Sedlacek

Began the case hearing by asking if there were any representatives present for the applicant. Messrs. Snodgrass and Hilt responded in the affirmative.

Rick Sedlacek continued stating that prior to receiving a presentation from Messrs. Snodgrass and Hilt, he asked Ray Armstrong (Zoning Officer) to explain the background of the application since this is the first “preliminary/final” case that does not include a rezone.

Jim Hahn

Asked that the record reflect the agenda item is for 20,993 square feet instead of the 20,000 as shown in the agenda.

Ray Armstrong

Greif Brothers Parkway in the Greif Brothers section was rezoned a number of years ago to Planned Commercial in a joint meeting and joint action between Liberty Township and Berlin Township. There are two lots that span the two townships. At that time the rezone was granted but it was granted without a plan. In doing so, the applicant is not required to do a rezone since there was no plan in existence so it becomes necessary to do a preliminary or a preliminary/final. The applicant has chosen to do a preliminary/final. Since there was no plan in existence prior to these hearing, results of the action taken by the Zoning Commission will be forwarded to the Trustees after whatever recommendation is made by the Zoning Commission in the absence of a plan prior to this hearing.

Rick Sedlacek

To clarify, we are hearing it as a plan with changes but not a rezone. Ray Armstrong responded “correct”.

With that background, I would ask the applicant to lead us through the submission booklet that we received in advance and paying particular attention to the verbiage that is in the text.

Ed Snodgrass

With me is Darrin Hilt and we are both partners with P&D Builders located at 47 S. Liberty Street, Powell, OH.

Basically, what we are looking for is approval of a plan for roughly 3.5 acres of property that is located at the Southwest corner of US Rt. 23 and Greif Parkway just South of Cheshire Road. This property is unique in that 90% of the parking is in Liberty Township and the very front edge along Rt. 23 is in Berlin Township. We have located the building entirely within Berlin Township. We look at this as a gateway type of project for Berlin Township as far as commercial goes. As we mentioned, the building is slightly less than 21,000 sq. ft. We are looking to relocate from the Village of Powell. Currently our operations is just south of the main intersection in Powell. We have about fifteen (15) employees that work for our firm and we have been around for approximately forty (40) years. We do single family, custom residential design and build, and do approximately 25 houses a year. Most of the houses we do are almost entirely in Delaware County, some in the Powell area and we do have some that are in the Alum Creek area. We go anywhere from Newark to Union County but the majority of our work is right in this area.

We have received a commitment from the Ohio Corn Growers Association (they are bringing jobs down from the Marion) who will take half of the building with us. We have had some relationships with them over the past and so they have expressed an interest in doing so. We have designed the building with our intended use and OCGA’s intended use. That is a total of about 30 – 35 employees currently. The building is going to be a 2-story, L-shaped with a center foyer as

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shown in Exhibit C. We are trying to take advantage of the fact that it sits on the corner of Greif Parkway and Rt. 23 so we are trying to make a nice entrance into the parkway. In regard to the site, there is a pond on the property but it is in Liberty Township. Berlin will have the building and Liberty will have the parking lot. We have all of the required letters that describe the utilities. We have already been through Regional Planning and received conditional approval from them. The Delaware County Engineers have reviewed the plan and are issuing approval and I believe we have addressed the Fire Chief's issues as well as far access in and out of the site for fire protection. As far as the buffering around neighboring properties, the immediate residential property that we are aware of is just south of the property in question and we have been diligently working with the county on making sure that there is plenty of screening along that southern property line to ensure that we don't impact on the owner. Exhibit D shows the landscape plan you will see that there is a break in the trees, but that is for a predetermined plug out because the County Engineers requested that we leave the area open for a predetermined plug out.

With respect to site lighting, our operations are technically going to be from 8:00 a.m. to 5:00 p.m. every day. We might have three or four vehicles there after 5:00 p.m. since some customers may come in after that time to review plans, etc. The lighting is in the exhibits and we are using the direct down lighting. Actually, we don't want a lot of lighting as we don't want it to resemble a car dealership and our plan is to limit the lighting but have enough for the safety of people coming in and going out after hours. We think we have been respectful of the surrounding area and in particular to the property south so as not to be a nuisance to that person.

I think that covers what we want to do and we have been working with Mr. Armstrong in addressing the issues and dealing with two different townships, has caused us some errors but I think we have everything pretty well worked out currently.

Rick Sedlacek

Asked if the applicant had already worked with Liberty Township to which Mr. Snodgrass replied they have worked with Liberty in that he has met with the zoning inspection in Liberty Twp. When Greif Park was developed Liberty went ahead and did a development plan with development standards for the Park. What is in Berlin Zoning Code doesn't exactly match eye-to-eye with what they have done for their development standards, i.e., their maximum building height is higher, their parking density is a little higher, but we do meet both of the codes.

Rick Sedlacek asked if Liberty was aware that P&D was meeting with Berlin and Mr. Snodgrass answered yes.

Rick Sedlacek

Polled the commission members for questions regarding the project.

Jerry Valentine

Had no questions, but a comment. With this being a 2-story building why are there no elevators. Mr. Snodgrass indicated they have a provision in the plan that they have a shell in the building for an elevator. That was one of the concerns, but there is no requirement for an elevator. So to answer your concern, we can build the building without it under the standards but we designed the building to accommodate an elevator at some future time when needed. A final decision has not been made at this time but there will be provision for

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an elevator.

Bob LeBlanc

Your firm and the Corn Growers Association are the main tenants? Mr. Snodgrass indicated that is correct and the Corn Growers are purchasing half of the building from us so they will be taking “C” and “D” which is the 1st and 2nd floor on one side and we will have ownership of “A” and “B” on the other side. They may choose, as their company expands to move out and lease their space but at this time it will be a blank shell with no tenants.

Mr. LeBlanc asked if the elevator shaft was in the center and Mr. Snodgrass indicated it will be accessible to all the common area in order for all four units to have the use of the elevator.

Rick Sedlacek

That is a lead-in to my question – if you look at the text (pages aren’t numbered) on the second page, half way down, Exhibit 3, Item “B-2”. “The facility shall serve as the new corporate office of the Ohio Corn Growers Association. This association will be relocating their office from Marion...” In addition to Ohio Corn Growers, do you have any other clients?

Jim Hahn

You show no dumpster location on the drawing. Mr. Snodgrass replied it was located near the pond area on the south side. He continued the dimensions were in the text, but Mr. Sedlacek asked that the dimensions be noted on the drawings. This notation is for the record and recorded on the Legal Copy for future reference.

Jim Hahn

On Page 5, Items 8, and 9, I believe there is a typo in that the word “dept” should be “depth”. Mr. Snodgrass agreed.

Mr. Hahn went on to ask that the elevator information be noted in the text and drawing for future reference. Mr. Snodgrass indicated they would include the information.

Darrin Hilt

Indicated that on the floor plan on actual blueprint there is a standard clause where the elevator is shown.

Jim Hahn

Went on to ask about the walkways. Mr. Snodgrass indicated the sidewalks encircle the entire building.

Rick Sedlacek

If we look at what I’m calling Page 2 even though there are no page numbers, near the bottom in Item B-4, the word “surround” should be “surrounding”.

In the last paragraph, in the third line the word “through fare” should be “thoroughfare”.

Mr. Snodgrass agreed to these changes.

On the next page, top paragraph, last line you talk about a traffic control signal. The commission and a lot of people who live in the area would like to know if ODOT has informed anyone as to when that might happen.

Mr. Snodgrass replied that the discussions they have had is that Greif Brothers is in support of it and that others in the park have offered to pay for it. I know that at the RPC meeting, Columbus State just received approval for a building and they are going to start construction. I believe that will trigger the process to get a light placed when Columbus State gets developed in the area. Right now, there are

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only two buildings in the park so it will become an “as needed” basis with the State of Ohio is what we were told. They don’t want to impede traffic on Rt. 23 until it is needed but there are two entities who have offered to pay for it and both want the light, but the State has told them “not yet”. Mr. Snodgrass feels it will happen but there is no time frame and they won’t commit to it currently.

Discussion continued regarding the placement of a traffic light but no further information is available at present.

Rick Sedlacek continued stating that in the second paragraph a traffic analysis was performed but he asked if P&D knew when it was done.

Mr. Snodgrass indicated they had done a preliminary analysis for the entrance into their property which was done in 2007. I believe the original traffic study was done when Greif Parkway went into the area and I believe that was four or five years ago. Jim Hahn noted the plans were dated 2001. Discussion continued but no definitive answer was determined.

Jim Hahn indicated he was meeting with ODOT later in the week on another project and would bring up a question at the meeting about the traffic study.

Rick Sedlacek went on to Page 3, paragraph 3 regarding the detention....and asked if the word “pond” should be added in the first line.

Continuing on to #9, all required design “standard” should be “standards”.

Page 6, #12, correct the word “tree” to “trees”.

Page 8, #18, correct the word “caliber” to “caliper”.

Last page, #24, supplemental conditions and safeguards. Asked that the commission decide if there was anything that needed to be added.

Rick Sedlacek polled the commission again for additional questions. Hearing none, he then asked if anyone in the audience had questions.

Carl Skeels

5246 Columbus Pike. Asked a question regarding the detention pond. He stated that the pond has run over four times onto his property. The spillway was 2 inches lower than it should be and the water ran over onto his property. He questioned how much more runoff there would be with a 20,000 sq. ft. building plus the parking lot.

Ed Snodgrass

Addressing Mr. Skeels, he asked if the spillway was 2 inches too low and Mr. Skeels replied yes.

Mr. Snodgrass indicated they had trusted the calculations from the engineers and it was something they needed to look at if Mr. Skeels was getting excess water over his property. Discussion continued with the conclusion that P&D would work with the County Engineers, Soil & Water people and Mr. Skeels to resolve the problem.

Messrs. Snodgrass and Skeels went to the map and Mr. Skeels pointed out the area in question where the water is running over his property. Discussion continued regarding the water issue with the following decision made at this point in time.

Decision was made that the applicant will work with the County Engineers, the Soil & Water Conservation people, and the Skeels family to resolve the water problem on the P&D property so that the

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runoff is easily taken care of via the sewer pipe and be diverted away from Mr. Skeels property to the south.

Earlene Skills

5333 Columbus Pike. I get all the water and traffic and when you were talking about the traffic, I don't sympathize at all. I've been there fifty years and I've lost two crossovers they gained one. They were supposed to take that through Greif and bring it out on Hyatts Road, and it never got beyond the property line. That was supposed to be in the first phase that the road connecting to Hyatts would be built but it wasn't. Then when they went to Liberty Township there is only one phase, and the one phase hasn't come as yet. Consequently, the road has never been finished out to Hyatts Road.

Mr. Snodgrass addressed the issue stating it was Cornerstone Drive which is a North/South road. It's past our property and not on any documents you have. The road is in Liberty Township. From the way it lays right now, and from what I've seen, it is in Liberty Township and goes North and it will go into a roundabout or traffic circle right where Columbus State is going to be located. Then it will go to Rt. 23 and continue on Rt. 23 and they are going to take Winter Road and move the light up north of the intersection where Peachblow is located. That's is going to be a connector and my understanding from Regional Planning is that the intersection is going to connect with the Glen Road Parkway and probably at the southern end of the Boy Scout camp is where the new traffic signal will be located.

Jim Hahn stated that at the meeting to be held near the end of the week they would be addressing Peachblow. Delaware does not want to pay for the Winter Road access. Discussion continued on how the roads would all be tied together and location of the traffic light but no decision of resolution could be made because it is not associated with this project.

Ray Armstrong

Regional Planning has approved Columbus State for their first building and they have plans to open the building for the 2009/2010 school year. So the assumption is that the traffic light would have to be installed during that time frame.

Bob LeBlanc

Added that with his experience the development spawns the roads rather than the other way around. You probably will never get roads before a development. That's the way it's been and I feel it will always be that way.

Rick Sedlacek

Called for a 5-minute recess to make corrections and additions to the plan text for BZC #08-002. Recessed at 8:05 and reconvened at 8:20 p.m.

For the record and for the commission's benefit, let it be noted that Linda Paxton has modified the text to include all the changes that the commission has requested. Those changes were signed by Mr. Snodgrass and me on the legal copy of the documents. Mr. Armstrong is making a copy of those and has asked Mr. Snodgrass to correct the text to include all the changes.

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**RESOLUTION
BZC 03-11-08-03**

Motion that BZC #08-002 and all verbiage, including the documented changes, be approved and submitted to the Trustees for their action.

Motion by: Bob LeBlanc

Seconded by: Jim Hahn

Role Call Vote: Jerry Valentine, yes; Betty Bringardner, yes; Rick Sedlacek, yes; Jim Hahn, yes; Bob LeBlanc, yes. Motion passed.

Rick Sedlacek

Continuing with the agenda, we talked about Articles 5 & 6 and 21-30 which is the last piece of the Berlin Township Zoning Resolution as recommended by the Zoning Resolution Committee. Ray Armstrong, would you comment and tell us what we have and what was submitted back from the Prosecutor's office.

Ray Armstrong

We submitted Articles 5 & 6, 21-30 in January to the Prosecutor's office and the reply was received in March 5. The comments were minor and only one that stated the language is ambiguous and needs to be rewritten.

Instead of reproducing the entire document, we only copied the pages where the changes were indicated by the Prosecutor's office. As I said, they changes are minor. One of the complex changes pointed out some inconsistencies was in nonconforming uses for being able to rebuild. Those were in Article 22.11 "a" – specifically it was pointed out we were 75% on this and only 50% in Section 28. We had a little conflict and different than the original. That inconsistency has not been corrected at this time. It is a suggestion by the Prosecutor. Rick Sedlacek asked if in Ray Armstrong's opinion that with the changes it is legally sufficient to have the process initiated. Mr. Armstrong replied yes.

**RESOLUTION
BZC 03-11-08-04**

Motion to assign a case number and forward the Prosecutor's changes to Articles 5 & 6 plus 21-30 to initiate the process through the Regional Planning Committee for the articles to become a part of the Berlin Township Zoning Resolution.

Motion by: Bob LeBlanc

Seconded by Jerry Valentine

Role Call Vote: Bob LeBlanc, yes; Jerry Valentine, yes; Betty Bringardner, yes; Rick Sedlacek, yes; Jim Hahn, yes. Motion passed.

Rick Sedlacek

Called for a 5-minute recess for the commission to sign minutes. Reconvened meeting at 8:35 p.m.

Rick Sedlacek

Any other business to be brought before the commission? Any public comments? Next meeting scheduled for April 8, 2008 at 7:00 p.m.

Items to be considered for the Agenda are the Articles being sent to RPC and the Procedures for meeting protocol. Possibility of one applicant for a hearing if they can meet the deadlines.

Rick Sedlacek

Next meeting scheduled for April 8, 2008 at 7:00 p.m. Items to be placed on the Agenda are the Articles initiated tonight, i.e., 5 & 6 plus 21-30. Also the Procedures document Jim Hahn drafted should be placed on the Agenda. Rick Sedlacek asked Ray Armstrong to ensure that commission members receive a copy of the recommended

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procedures prior to the next meeting.

I would like to take this opportunity to thank Linda Paxton officially and on record for all of her efforts and her wonderful service that she has given to us for approximately four years. I would like to present this certificate of appreciation to you from the Berlin Township Zoning Commission and the Berlin Township Zoning Appeals. Awarded on March 11, 2008 to Linda Paxton for being an outstanding administrative professional – we couldn't do it without you. Signed by Rick Sedlacek, Mike Morrill, and Tom D'Amico on behalf of the Trustees, and Ray Armstrong as Zoning Inspector. Thank you for all your efforts over the past four years.

**RESOLUTION
BZC 03-11-08-0X:**

Motion to adjourn meeting made by Jim Hahn and seconded by Betty Bringardner. All were in favor with no opposition. Meeting adjourned at 8:40 p.m.

Rick Sedlacek

Jim Hahn

Bob LeBlanc

**Betty Bringardner,
1st Alternate**

Jerry Valentine

Linda Paxton, Attest