

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

**REGULAR MEETING
MARCH 19, 2010, 7:00 PM**

1 This meeting was held at the Berlin Township Hall, 3271 Cheshire Road, Delaware, Ohio
2 43015.

3
4 **CALL TO ORDER**

5
6 The meeting was called to order by Chairperson Rick Sedlacek at 7:00 PM.

7
8 Mr. Hall led the meeting attendees in the recitation of the Pledge of Allegiance.

9
10 BZC Members Present: Rick Sedlacek; Jerry Valentine; Jim Hahn; Kristin Yorko; Toni
11 Korleski (2nd alternate seated).

12
13 BZC Member Absent: Rae Ann Kerlin, Betty Bringardner (1st alternate).

14
15 Mr. Sedlacek read the adopted BZC policy statement for the meeting, as printed in the
16 agenda.

17
18 **LEGAL NOTICE AND PROOF OF LEGAL NOTICE PUBLICATION**

19
20 Zoning Clerk Lisa Knapp provided proof of publication for the legal notice for this
21 meeting, which was published on February 25, 2010 in the Delaware Gazette, providing
22 notification of the meeting date, time, and items for discussion.

23
24 *BERLIN TOWNSHIP ZONING COMMISSION*
25 *NOTICE OF PUBLIC HEARING*

26
27 *The Berlin Township Zoning Commission will hold a public meeting on March 9, 2010 at*
28 *7:00 p.m. at the Berlin Township House located at 3271 Cheshire Road, Delaware, Ohio*
29 *43015 to continue discussions regarding the revisions associated with the text of the*
30 *Comprehensive Land Use Plan (CLUP). This will include introduction of*
31 *recommendations and sub areas. Discussions will continue on possible changes as a*
32 *result of the recently completed Business Community Forum, NAICS codes between*
33 *Planned Commercial District (PCD) and Planned Industrial District (PID), wind*
34 *turbines, and conditional use violation language. The person responsible for giving*
35 *notice of the public hearing by publication is Cathy Rippel. Questions concerning this*
36 *matter should be directed to the Zoning Office at 740-548-5217. Township residents are*
37 *encouraged to attend.*

38
39 *BERLIN TOWNSHIP ZONING COMMISSION*
40 *Rick Sedlacek, Chairman*

41
42 **AGENDA ITEM: INTRODUCTION OF MEETING ATTENDEES**

43
44 Mr. Sedlacek asked the meeting attendees to introduce themselves.

- 45
46 • Charlie Hall, former township trustee, 5264 Cheshire Road
47 • Chris Paykoff, lifetime Berlin Township resident
48 • Joe Korleski, 3584 Greenville
49 • Mel Webb, 4111 Curve Road
50 • Al Berthal, director of the Neighborhood Design Center, 1902 N. High St.,
51 Columbus, OH
52 • Phil Panzarella, 5571 Streamside Drive, Galena, OH 43021
53 • David Leahy, 1484 Dale Ford Road, Delaware, Ohio 43015
54 • Jerry Gannon, with Floorcrafters, 4059 State Route 37 East
55 • Don Sherman, 1469 Africa Road, Galena
56 • Rick Gemienhardt, 881 Africa Road
57 • Mike Morrill, 883 Dunham Road, Berlin Township BZA chairperson
58

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

**REGULAR MEETING
MARCH 19, 2010, 7:00 PM**

APPROVAL OF MINUTES

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Ms. Yorko made a motion to approve the minutes from the January 12, 2010 BZC meeting as presented. Mr. Valentine seconded the motion. All in favor say, “aye,” all opposed signify with same sign. No opposition, motion carried, minutes approved

AGENDA ITEM – OTHER BUSINESS: NEIGHBORHOOD DESIGN CENTER

Mr. Sanders said that recently he looked at a comprehensive plan of Blendon Township in Franklin County that their planning commission had been working on. That is a very different plan than Berlin’s as the entire township is mostly un-built. However, there were some very nice looking design aspects in the plan, and he kept thinking not only of the general commercial development in the future of the township, but specifically of the Village of Cheshire which has been discussed here many times.

Mr. Sanders said there is a desire by the township to do something cohesive in the Village of Cheshire area, and he has been trying to think of some design concepts to put in the plan. The Franklin County planning commission had used the Neighborhood Design Center in Columbus, and he spoke to Mr. Berthal, executive director, and also sent emails to Mr. Armstrong, Mr. Sedlacek, and Ms. Kerlin regarding that. He asked Mr. Berthal to review what his group does.

Mr. Berthal said that the Neighborhood Design Center is a 501 (c)(3) non-profit entity which employees students at the Ohio State University (OSU) and the University of Cincinnati (UC) to do “chquettes,” which is a public dialogue process about a plan, an aspect of a plan, or some part of a neighborhood. Currently the firm has a large grant from the United Way to deal with 3 neighborhoods, including the near north side area around Nationwide Children’s Hospital, the King-Lincoln neighborhood between Long Street and Mount Vernon, and Weinland Park which is east of High Street and adjacent to OSU.

Mr. Berthal said his firm attempts to encourage dialogue using the students and they do the work. The chquettes begin with research of an area. He brought some projects which he distributed to the Commission to look at, including in Blendon Township and the Northern Lights area. His firm does projects of all sizes and scales. Sometimes the students get credit for the work they do, and in other cases they get professional credit for the work via mentoring.

Mr. Berthal said after the research is done, his firm does mapping and then has people come together and tell him what they honestly think, including what they need, what they like and dislike, and what works and doesn’t work. Sometimes the input is from residents who are angry about something the city has done recently. Most of his work is done for the City of Columbus.

Mr. Berthal commented on his firm’s work in Lockbourne, Ohio, and he indicated the residents had not been aware of their image. A group of residents were gathered and his firm encouraged comments about what they thought about their community, what the good things about the community are, and what they would tell their friends about Lockbourne to try to convince them to move there. After the meeting the information is discussed by the students, who come up with ideas from all the suggestions. Then they return to the residents and present the ideas to them; some are popular while others are not. Every place is different and unique, he noted.

Mr. Hahn asked if the work is keyed to the school year so there is continuity with the same students working together. Mr. Berthal said they are, although the summers are the fertile time when students can work 40 hours per week. During the school year they can work only about 10 hours per week. The UC students are fulltime during the school year as they are co-ops who move to Columbus during the project. There are three regular employees, in addition to the students.

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

**REGULAR MEETING
MARCH 19, 2010, 7:00 PM**

118

119 Mr. Sedlacek asked about funding for the projects and how the process works. Mr.
120 Berthal said he would provide a work-step related proposal. The first work step is the
121 research part, and the second work step would be hearing from the BZC what the issues
122 are, and the third work step would be for his firm to interpret those into some graphic
123 plan/prospective. Then comments would be received from the BZC and incorporated
124 into the plan and the final presentation of the plan would be presented.

125

126 Mr. Berthal said that nothing is done until a contract is signed, and they are usually only
127 about 2 pages long. He said this is all about trust, and he feels the work is good enough
128 that people will want to pay for it. All numbers will be provided upfront, and for this
129 type of situation it would probably be "fixed-fee" work.

130

131 Mr. Paykoff asked if his firm has ever asked a similar community to look back to see
132 what they would have done differently. Mr. Berthal said that the question is asked, and
133 sometimes the answer surprises him; however, he tries not to dwell on the negative. He
134 sends people out to the community to gather data for the research.

135

136 Mr. Sedlacek asked how long the Neighborhood Design Center has been an organization.
137 Mr. Berthal said it began in 1984.

138

139 Ms. Korleski asked if his services could be used for an all-encompassing project or just a
140 small project for the township, such as in the Old Cheshire area. Mr. Berthal said that the
141 client selects the area. He said that currently economic times for architects, planners, and
142 landscapers are hard, and his firm does not compete with them. His firm stops at the
143 point called "envisioning" and then stops. It obtains consensus.

144

145 Mr. Sedlacek said that a committee of this Commission has been working with the
146 Village of Cheshire area, and that area could use some consideration and improvements.
147 Mr. Berthal said it probably needs an identity. Ms. Korleski said that the services could
148 be used for that area, or even for parks.

149

150 Mr. Berthal said one of the staff members of his company is an architect, and the other is
151 a landscaper.

152

153 Mr. Sanders said there are funding sources which could be pursued, and he has been
154 making calls regarding that. He noted that economic factors are relevant for some
155 funding. He said that if there is a balance of DCRPC remaining that could be used to
156 look into grants.

157

158

AGENDA ITEM: CONTINUE REVIEW
COMPREHENSIVE LAND USE PLAN (CLUP) CHAPTER 14

159

160

161 Mr. Sanders said that the township was divided up by subareas in both the old CLUP and
162 the revised plan, and only Subarea #1 has been reviewed so far, which is the area north of
163 Route 36/37. Land use was discussed and land use along the road was considered. He
164 reviewed Subarea #2.

165

Planning Area Two - North East Kingdom

166

Land area: 647 acres, Potential development acreage: -- acres

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176

Mr. Sanders said there is not much area in this Subarea to develop. Area two is bound on
the north by Brown Township, on the east by Berkshire Township, on the south by a line
parallel to and approximately 700 feet north of US 36 and on the west by Alum Creek.
This is a low-density residential and agricultural area that back ups to Alum Creek and
lands of the United States. No sanitary sewer is proposed, and the parcels of land have
been so fragmented that it is unlikely any large enough tracts could be assembled to do
on-site sewage treatment.

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

**REGULAR MEETING
MARCH 19, 2010, 7:00 PM**

177

178 Mr. Sanders said that most of this section is language from the last plan, and as it is
179 reviewed he will note that areas which need to be changed and those will be changed. He
180 said not much of this area has changed. He noted that the condo section, indicated in red,
181 matched proposed condos in Berkshire Township which are no longer being pursued. He
182 said that area in Berlin Township is still zoned planned commercial with multi-family
183 allowed, and future changes would need to come in for development plan review, and
184 based on the review, it would need to be treated as a rezoning. Everything else is zoned
185 FR-1.

186

187 Mr. Sanders said the first recommendation is that Area 2 is recommended to be
188 agricultural use and single family residences at a density of one unit per 2 acres. He said
189 that is typical throughout the text for areas which don't have sewer. He said it was
190 unexpected that area would receive sewer. If sewer does come to the area, it could be
191 changed to another lot size or density.

192

193 Mr. Sedlacek asked him if he was recommending that Subarea 2 remain "as is." Mr.
194 Sander said he thought so, but ten years ago nobody probably thought there was a
195 possibility of getting sewer service to that little piece. There have been various proposals
196 in Berkshire.

197

198 Mr. Paykoff said that regarding leaving the larger lots in that area, he has seen them
199 develop into smaller lots in some areas, and that may occur in Berlin Township as well in
200 the future when the area is more built out, although it would require rezoning. Mr.
201 Sanders said it is a good idea to revisit the plan when growth is fast. For example, over
202 the last 10 years Orange Township has changed substantially due to development. He
203 cautioned against looking too far into the future as sometimes that can entice more
204 growth than desired. He suggested seeing how these numbers work for a few years, and
205 once things pick up again the plan can be recalibrated.

206

207 Mr. Hahn said that future changes in that area would probably be largely driven by
208 development in Berkshire Township. Mr. Paykoff said he could see the area around the
209 freeway being a mini-city itself, and it is almost there now in terms of commercial
210 development. Mr. Hahn said there is a lot more developable land above that than Berlin
211 Township has.

212

213 Mr. Sanders said change could be justified if there is a legitimate reason for it, such as if
214 Berkshire Township experiences high growth in that area. For example, the area could be
215 used as a buffer/transition.

216

217 Mr. Gemienhardt asked if the potential for development as written in the plan should be
218 indicated as greater than five acres. Mr. Sanders said he thought that was a mistake and
219 would check that. Mr. Gemienhardt asked if he was stating that about any parcel abutting
220 the Berkshire Township line to the south which is adjacent to commercial development.
221 Mr. Sanders pointed to the parcels he was considering.

222

223 Mr. Gemienhardt said that some are large residential areas which are 15-20 acres in size
224 and owned by families.

225

226 Planning Area Three – Heartland

227 Land area: 1,095 acres, Potential development acreage: 181 acres

228 Current estimated population: 64 (24 housing units)

229

230 Mr. Sanders reviewed the map of Subarea 3. He said that everything in gray with a green
231 outline is in the City of Delaware, the blue dotted lines are the latest map of the Cheshire
232 area, and the light blue is the city/Del-Co area. In the last area, if water service is desired,
233 the city has first rights of refusal.

234

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

**REGULAR MEETING
MARCH 19, 2010, 7:00 PM**

235 Area Three is bound on the west by Liberty Township, on the north by the AEP electric
236 transmission lines south of and parallel to Curve Road, on the east by the Conrail tracks,
237 and on the south by property lines parallel to and approximately 2200 feet south of Berlin
238 Station Road.

239
240 The area is characterized by prime agricultural soils in large undivided tracts of land.
241 There is no central sewer proposed by the county, and soils are generally unsuitable for
242 on site treatment plants with land application systems. There is no access to major arterial
243 roads. Annexation is possible, as this area lies within the exclusive city water agreement
244 area, and is the location of the Glenn Road Extension, which is likely to bring additional
245 development pressure. Agriculture and single family residences on 2-acre lots, or PRD
246 development at a density of one unit per one acre with sewer, one unit per two acres
247 without sewer are recommended.

248
249 Mr. Hahn said that it wasn't worth too much effort on this because any major change
250 which occurs regarding sanitary sewer cannot be made without other changes being
251 made.

252
253 Mr. Morrill said that the text states that the area is bounded on the west by Liberty
254 Township. Mr. Sanders said he would correct that to Delaware Township.

255
256 Mr. Gemienhardt said that not much can be done in Subarea 3 due to its proximity to the
257 city, and he asked why the text would be compromised by including 2-acre lots in it. He
258 asked if it would be desirable to be similar to the high-density development to the east.

259
260 Mr. Sanders said that there would only be 2-acre lots if there is no sanitary sewer, which
261 is the reality of what is necessary to have an on-site system. He asked whether the PRD
262 density is high enough to capture development if there is an interested party, without it
263 being annexed to the city. He asked if the BZC wanted to have a minimum density of 1
264 acre for PRD development. Mr. Sedlacek asked what he recommended. Mr. Sanders
265 said a lot split could be done and the health district would probably agree, but a
266 subdivision with 2-acre lots may be more difficult as the lots are so close to sanitary
267 sewer. Mr. Hahn had concerns about 2-acre lots creating expensive large lots with
268 expensive sewer. There were no objections.

269
270 Planning Area Four - Suburban Transition

271 The area is bound on the north by a line extending east from the intersection of Curve
272 Road and the Conrail tracks to property lines parallel to Curve Road and parallel and 3-
273 4,000 feet south of US 36; on the east by Lackey Old State Road, on the south by
274 Cheshire Road, and on the west by the railroad tracks. There is potential future sewer
275 service by the county, as this area is within the Central Alum Creek Service Area.
276 Because of the diversity of conditions and uses within this planning area, the
277 recommendations are divided into sub areas A, B, and C.

278
279 Mr. Sanders reviewed the location of the subareas of this section. He said there may be a
280 reason to leave them separate. He explained that roads aren't used to separate subareas
281 because it is not desirable to have a recommendation for density to be different on each
282 side of the road.

283
284 *Sub area 4A:*

285 Land area: 696 acres, Potential development acreage: 363 acres
286 Current estimated population: 78 (29 housing units)

287 The area is bounded on the west by the CSX tracks, on the north by area 1, on the east by
288 Roloson Road and the general extension southward of Roloson Road via the property
289 lines to Berlin Station Road, then southward approximately 2,000 feet and west to the
290 CSX tracks, by property lines. This area is characterized by the eastward reach of the
291 prime agricultural soils with conditions similar to Sub Area 3.

292

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

**REGULAR MEETING
MARCH 19, 2010, 7:00 PM**

293 There is no central sewer proposed by the county, and soils are generally unsuitable for
294 on site treatment plants with land applications systems. The land is flat with poor
295 drainage and large lots dot Berlin Station Road and Curve Road.
296

297 There is no access to major arterial roads. Annexation threat is limited by the railroad
298 tracks and agreements between the city and county. A future Olentangy High School site
299 is proposed on the south side of Berlin Station Road. A landowner has placed 62 acres of
300 land at the southeast corner of the Conrail tracks and Curve Road in an Agricultural
301 Conservation District.
302

303 4.1 The plan recommends agriculture and single family residences on 2-acre lots, or PRD
304 development at a density of 1.85 units per net developable acre (NDA) with sewer. Mr.
305 Sanders noted that this is the same as 4B.
306

307 4.3 New road I (Piatt Road extension) should be built as development occurs, providing
308 major access to the future school and connecting Cheshire Road to Berlin Station Road.
309 Mr. Sanders noted that this is the same as 4B.
310

311 4.4 Based on recent development in this area, a new road should be built as development
312 occurs, extending from Gregory Road north to intersect with the intersection of Sweeney
313 and Curve Roads. Mr. Sanders indicated several suggestions for the new road. Mr.
314 Sedlacek said there are many properties located where the original road was proposed,
315 and he asked if that was why a new road further to the west was being considered.
316

317 Mr. Hahn suggested taking the northernmost flag lot and making an east/west road along
318 it. That would eliminate those lots as being flag lots as they would have access to the
319 new road, and that would help eliminate the problem of having to cross the flag lots. Mr.
320 Sanders said that would work, but the landowners may not be happy with the proposal.
321 There was additional discussion.
322

323 Ms. Korleski said if the flag lot accesses are eliminated and the east/west road is built to
324 the north, the four property owners may complain due to the positioning of their homes in
325 relationship to where they have to drive up. Their homes would be right on top of the
326 road, it seemed. Mr. Sanders said that even if a major east/west road isn't built, the
327 drives could still be combined. Mr. Hahn agreed and said a common access drive could
328 then be built.
329

330 Mr. Gemienhardt asked who would pay for the proposed east/west road, as it would not
331 be developer-driven and it would be just for convenience. Mr. Hahn said that to the north
332 of the flag lots is a large property in which a developer may be interested. Mr.
333 Gemienhardt said it was discussed earlier that the north/south road could be moved west,
334 where there is open land. Mr. Hahn said there are a number of options, and ruling out the
335 flag lots doesn't necessarily have to be one of them.
336

337 Mr. Sedlacek said the most difficult option is the currently proposed option, as the road
338 would go through about three lots to the north which have houses on them. Mr.
339 Gemienhardt agreed. He said that since the Glenn Road extension has already been
340 mapped out, why is there a need to extend this past the school site. Mr. Sanders said the
341 township had committees 4 years ago. There was additional discussion.
342

343 Mr. Sanders said Mr. Gemienhardt had a good point because if a road is part of a
344 development and the access is minimized, it benefits the development. If an arterial road
345 is built next to a development, funds will be necessary to build it. That is similar to the
346 relocation of Home Road because it doesn't really benefit the development to be built at
347 Route 23 and Home Road, so the county was going to build the overpass because it
348 doesn't benefit the development. He said it is important to have a connection on the map
349 to be part of a new development when it comes through.
350

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

**REGULAR MEETING
MARCH 19, 2010, 7:00 PM**

351 There was additional discussion about the new road. Mr. Sedlacek asked if the
352 Commission wished to ask Mr. Sanders to investigate the road issue and report back. Ms.
353 Korleski said he should, as additional proposed accesses will be important for future
354 development. It was agreed that Mr. Sanders would report back on this issue.

355
356 *Sub Area 4B*

357 Land area: 185 acres, Potential development acreage: 52 acres

358 Current estimated population: 11 (4 housing units)

359 The area is bounded on the west by the Conrail tracks, on the north by a property line
360 roughly 2000' south of and parallel to Berlin Station Road, on the east by proposed new
361 road I, and on the south by Cheshire Road. This area is characterized by the eastward
362 reach of the prime agricultural soils with conditions similar to area 3. The land is so flat
363 in the northern half of the sub area that drainage is a challenge. A shallow ravine east of
364 the power lines provides an outlet for drainage. Large lots dot Cheshire Road. A new
365 elementary school is under construction on Gregory Road. Annexation threat is limited
366 by the railroad tracks and agreements between the city and county.

367
368 4.4 The plan recommends agriculture and single family residences on 2-acre lots, or PRD
369 development at a density of 1.85 units per net developable acre (NDA) with sewer.

370
371 4.6 New Road I (Piatt Road extension) extends north and south from Cheshire Road with
372 Berlin Station Road.

373
374 Mr. Sedlacek asked about the agricultural piece of property in the area. Mr. Morrill said
375 that 62-acre site is in an agricultural conservation district. When the comprehensive plan
376 was originally done, such easements were being promoted to farmers. Mr. Sanders said
377 perhaps a buffer could be donated.

378
379 Mr. Sanders said he would combine sections A and B. Mr. Sedlacek agreed.

380
381 *Sub Area 4C*

382 Land area: 1,773 acres, Potential development acreage: 272 acres

383 Current estimated population: 667 (249 housing units)

384 Area 4C is bound by area one on the north, Lackey Old State Road and the Alum Creek
385 Lake on the east, Cheshire Road on the south, and proposed new road I on the west.
386 Ridges and ravines leading to Alum Creek Lake characterize the area 4c. The area is not
387 suitable for long term agriculture. This area is significantly developed with one-acre lots.
388 There is no county sewer available, or proposed. Mr. Sanders said he would change the
389 last sentence to indicate that this area is in the county sewer plan.

390
391 4.7 The plan recommends a small park at the northwest corner of Cheshire and Old State
392 Roads. Mr. Sanders said that this is the green area there which currently surrounds the
393 new Berlin Township fire station.

394
395 4.8 The plan recommends agriculture and single family residences on 2-acre lots, or PRD
396 development at a density of 1.85 units per net developable acre (NDA) with sewer from
397 the 67-acre Roh property south. Mr. Hahn said he thought the density in that area was
398 1.5 units per acre.

399
400 4.9 A recommended bikeway path along the widened edge of Cheshire Road would
401 continue across the Alum Creek causeway to Cheshire. Mr. Sanders suggested adding
402 bikeway language such as, "As arterial roads improve, connections should be made for
403 multi-use paths," instead of just putting a green-dotted line on a map." The goal is to
404 connect the paths with Orange Township which will eventually have a significant trail
405 system, and then over to the park and the Old Cheshire area. However, there is no reason
406 that should be the only place that happens.

407
408 Mr. Hall asked whether "bike paths" means paths on the side of the road. Mr. Sanders
409 said the intention at this time is to keep the terminology general enough to allow for

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

**REGULAR MEETING
MARCH 19, 2010, 7:00 PM**

410 flexibility in the future, unless this group wishes to make more specific
411 recommendations. When he sees a line going down the street on a map, he wonders if
412 that is a lane on the side/an expanded shoulder on a widened road, or a separated trail.
413 Typically it is not desirable to have a separated trail right next to the road, unless for
414 example it is crossing the Cheshire Road causeway and that is the only choice possible.

415
416 Mr. Sedlacek said that there are many bike paths to the south, and Berlin Township
417 would like to tie into some of those paths, so perhaps the language should be left general.
418 Mr. Sanders said that Orange Township is working on extending its paths up easements
419 along the railroad tracks. He didn't think the area north of Lewis Center was on their
420 plan, but the assumption is that Piatt Road would extend down to Lewis Center Road, and
421 any improvement would include that type of facility to the south and so would be a
422 natural tie-in to Berlin Township.

423
424 Mr. Sedlacek said that regarding a park on the township property at the northwest corner
425 of Cheshire and South Old State Roads, is that something which should remain on the
426 plan? Mr. Sanders asked when the township acquired that property. He said there is
427 language in the parks chapter which indicates that there are efforts underway to do
428 something on that site, and perhaps that is sufficient since the property has already been
429 acquired. Mr. Sedlacek said the property is small, but he would like to see the
430 designation remain in the plan to be a park in the future. The Commission agreed to
431 leave that designation in the Plan.

432
433 Mr. Hall said a park in that area may compete with the Alum Creek area. Mr. Sedlacek
434 said the area remaining in the location near the fire department is only about 4 acres.

435
436 Mr. Korleski said that soccer and ball fields had been discussed in that area, and that
437 would be the maximum which could be put in there. That would be for the benefit of
438 township residents only. Mr. Sedlacek said an architect's plan indicated one baseball
439 field, two soccer fields, a parking lot and a potential "tot lot," and that would be squeezed
440 in. With the current financial climate, it was doubtful that funds would be appropriated
441 for that now.

442
443 Mr. Korleski agreed and said that the plan should be put in place for the future. Mr.
444 Sedlacek said that other than the play areas at the school, no playgrounds exist in the
445 township. Mr. Sanders asked if the BZC wished him to indicate, "for township use," at
446 the end of the section. Mr. Sedlacek said that seemed to be a given, but that could be
447 added. Mr. Armstrong said it was public property and he didn't know how its use could
448 be restricted.

449
450 Mr. Armstrong said that the sewer district from Berlin Station Road to Cheshire Road is
451 within the sewer district mainly because the installation of that sewer is to start next
452 month.

453
454 Mr. Hahn said that the zoning department is in a funding crunch, as indicated at the
455 trustee meeting last night during discussions about personnel cuts, and he asked about the
456 funds being spent on the DCRPC services. Mr. Sedlacek said that the only people who
457 could answer that question is the township trustees. Mr. Hahn asked that the trustees be
458 contacted to ensure that funds are not committed which could cause problems with
459 township personnel funding.

460
461 Mr. Sedlacek said the township has signed a contract with the DCRPC and has
462 committed money to it, but he would like to get Mr. Sander's assessment. He said he
463 could contact the trustees to let them know what the plan is and when this process will be
464 completed, and ask them if that will put "an additional crunch" on the zoning department.
465 He is aware the trustees are considering making budget cuts.

466
467 Mr. Sedlacek asked Mr. Sanders if he wished to speak to this now or to discuss it at the
468 April meeting. Mr. Sanders said his intention is to continue through the subareas and see

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

REGULAR MEETING

MARCH 19, 2010, 7:00 PM

469 how far he can get. Mr. Sedlacek asked him for a 5-minute summary at the April
470 meeting regarding what he sees as being necessary to complete this process. Then he can
471 discuss this with the trustees. Since the process is nearly completed, he did not want to
472 see it stopped.

473

474 Mr. Sanders said that the BZC has received 5, and he can send out 6 before the April
475 BZC meeting. Then there is 7, 8, 9 and 10 and the process will be done. He will create
476 some tables based on densities and by subarea, and he noted that sometimes there are
477 recommendations which don't have a subarea to go into, and those will be included in
478 those tables. Mr. Sedlacek said the map would be considered after the text was done.

479

480 Mr. Hahn said that regarding the Berlin Township boundary with Orange Township in
481 area 8, he has heard of Shanahan Road being extended south to tie into South Old State
482 Road, which is of concern to him because depending where it is extended to, property
483 could be landlocked and the township could lose influence of the southern border of the
484 township along that extension. Property could be developed on the south side of
485 Shanahan Road, but developers on the north side may have difficulties accessing
486 Shanahan Road through Berlin Township controlling the access to Shanahan Road.

487

488 Mr. Hahn said that currently it is a township border and Berlin Township has equal
489 influence on the development and tie-ins to Shanahan Road, but he was concerned about
490 how that would work in the future. Mr. Sedlacek said if the road goes south at all it will
491 be exclusively in Orange Township.

492

493 Mr. Hahn said that Berlin Township could work collaboratively with the township prior
494 to the road being discussed and this could be discussed.

495

496 Mr. Armstrong said the Commission had asked Mr. Sanders to look at the typical width
497 of commercial corridors regarding the areas in the corridors across Route 36, which are
498 currently indicated as 700', and he wanted to ensure that was discussed in the future. Mr.
499 Sanders said he has looked at other sites in the county and it will be a guess on his part.
500 Backage roads are usually 300' deep and connected to 1-acre outlots, and going another
501 300' out doesn't leave room for big box development. Going out 700' total and putting
502 the backage road in the middle may be advisable.

503

504 Mr. Sanders said that Sawmill Road south of I-270 is a good example of development
505 which is too far back off the main road, such as the Dublin Village Center; nothing flows
506 back there. Mr. Sedlacek asked whether 700' is a good number. Mr. Sanders said he felt
507 it was, and said somebody could come in and say they wanted to do two rows of outlots
508 and needs to go back 800', that could still be considered.

509

510 Mr. Gemienhardt asked whether some tangible pictures/examples of that could be
511 included in the book so that the decision doesn't look too arbitrary. This has been done
512 in the past, such as for the condos. This will help the final plan to be more powerful and
513 also give future developers a feel for what the township wants.

514

515 Mr. Sedlacek asked Mr. Sanders to provide at the next meeting projection information for
516 what it will take to get through the Plan.

517

AGENDA ITEM – HOME OCCUPATION PROPOSAL

518

519
520 Ms. Yorko presented the final draft of language for 21.16 Expanded Home Occupation
521 and 21.15 Limited Home Occupation. She noted that no additional changes other than
522 those already discussed have been made to the language in 21.15 Limited Home
523 Occupation.

524

525 Ms. Yorko reviewed the changes to the 21.16 Expanded Home Occupation. The last
526 sentence now states "The conditional use permit applies to the applicant and will expire
527 upon sale of said property." This language seemed applicable. She also clarified the

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

**REGULAR MEETING
MARCH 19, 2010, 7:00 PM**

528 third paragraph, “A business plan, outlining the specifics of said business such as hours,
529 traffic, and other potential detrimental or enhancing values to surrounding properties and
530 neighbors, shall be submitted for review.”

531
532 Ms. Yorko said the last change was to allow a minimum of ¾ acre for expanded home
533 occupations with a non-resident employee, as follows, “No non-resident employee shall
534 be allowed for properties less than ¾ acre in size.”

535
536 Mr. Hahn said that the change to ½ acre was reviewed by Chris Betz of the Delaware
537 County prosecutor’s office and he didn’t think he would object to the new ¾ acre
538 minimum.

539
540 **RESOLUTION 10.03.09.#1: INITIATE CHANGES TO SECTION 21.15 LIMITED HOME**
541 **OCCUPATION AND SECTION 21.16 EXPANDED HOME OCCUPATION**
542 **OF THE BERLIN TOWNSHIP ZONING RESOLUTION**
543

544 Ms. Korleski made a motion to initiate changes to Section 21.15 Limited Home
545 Occupation and Section 21.16 Expanded Home Occupation of the Berlin Township
546 Zoning Resolution as follows:

547 -----

548 SECTION 21.15: Limited Home Occupation

549 A limited home occupation (business) shall be permitted within a permitted dwelling in all residential
550 zoning districts (not in detached garages or pole barns) in accordance with the following provisions:

551 A. The home occupation does not occupy more than twenty percent (20%) of the gross floor area of the
552 dwelling unit or two hundred (200) square feet, whichever is larger.

553 B. Requirements:

554 1. The appearance of the structure shall not be altered or the occupation within the residence shall
555 not be conducted in a manner that would cause the premises to differ from its residential
556 character either by the use of colors, materials, construction, lighting, or unauthorized
557 signs. A home occupation shall be clearly incidental and secondary to the use of the unit
558 for dwelling purposes.

559 2. There are no non-resident employees.

560 3. No equipment or process shall be used in such home occupation that creates noise, vibration,
561 glare, fumes, odors, or electrical interference detectable to the normal senses off the lot.
562 In the case of electrical interference, no equipment or process shall be used which creates
563 visual or audible interference in any radio or television receivers, computers, wireless
564 phones or hand held wireless transmitting devices off the premises, or causes fluctuations
565 in line voltage off the premises.

566 4. There shall be no outside storage of any kind.

567 5. Specialized instruction or tutoring shall be limited to one (1) individual at a time.

568 6. No traffic shall be generated in substantially greater volumes than would be generated by a
569 single family home.

570 7. No direct, face to face sales to the public on site.

571 8. There shall be no signs permitted.

572 SECTION 21.16: Expanded Home Occupation (business)

573 It is recognized that there may be some Home Occupations which do not meet the criteria of Section 21.15
574 but which may be appropriate for a residential area provided the following additional standards are
575 addressed through the Conditional Use Permit procedure conducted by the Board of Zoning Appeals
576 (BZA). Deviation from any of the following standards may be reason for the BZA to deny the application
577 or limit the number of non-resident employees.

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

REGULAR MEETING

MARCH 19, 2010, 7:00 PM

578 Prior to any approval for a conditional use permit, the BZA shall determine that because of the location and
579 orientation of the residence and property in question, the proposed business use will not become a
580 detriment to the existing residential character of the property or the general area through an increase in
581 traffic, street parking, or any other factor resulting in an adverse impact as determined by the Board of
582 Zoning Appeals. The conditional use permit applies to the applicant and will expire upon sale of said
583 property.

584 A business plan outlining the specifics of said business such as hours, traffic and other potential detrimental
585 or enhancing values to surrounding properties and neighbors shall be submitted for review. The BZA may
586 deny the application or limit the number of employees if the plan indicates that the business will be
587 unreasonably detrimental to the existing, prevailing residential character of the neighborhood. This plan
588 shall be used to help evaluate the following items.

589 A. The home occupation shall be carried on within the confines of the residential structures within
590 zoning districts that specifically list an Expanded Home Occupation as a Conditional Use and/or
591 within architecturally compatible accessory buildings, which are customarily associated with the
592 residential use and character of the neighborhood.

593 B. There can be up to three non-resident employees as determined by the Board of Zoning Appeals.
594 The BZA determination will be based on the following criteria and their potential impact on the
595 neighborhood:

596 a. Property size and shape, and layout of proposed business and parking,

597 b. Building and parking set-backs from property lines, and distance from surrounding
598 properties.

599 c. No non-resident employees shall be allowed for properties less than three-quarters (3/4)
600 of an acre in size.

601 C. No outside storage of any kind associated with a home occupation conditional use shall be
602 permitted unless it is totally screened from the adjacent residential lots and the abutting street.

603 D. Only one sign may be erected advertising the home occupation. The sign may be mounted flat
604 against a building or on a pole in the front yard. The sign shall be of a design compatible with the
605 residential character, shall not be animated or lighted, and shall comply with the requirements as
606 specified in Article XXII Section 22.02B.

607 E. All parking demands created by the conduct of a home occupation shall be met with parking
608 located off the street and other than in a front yard. Off-street parking may be permitted in a side
609 yard or rear yard, but shall not be located any closer to the street than the required setback line.
610 Parking surface shall be consistent with the materials used for the surfaces of parking and
611 driveways of the surrounding properties. The required number of off-street parking spaces shall
612 equal the spaces required for the residential use plus those required for the commercial use which
613 constitutes the home occupation (if no parking requirement is given for a particular home
614 occupation, the parking requirements for the most similar commercial use shall be used in order to
615 calculate the required minimum number of spaces.)

616 F. No equipment, process, or storage associated with the home occupation shall create odors, noise,
617 vibration, glare, electrical interference, or other nuisance detectable to normal senses off the lot.
618 All activities, materials, and equipment associated with the business shall be totally maintained
619 within a building. In the case of electrical interference, no equipment or process shall create visual
620 or audible interference in any radio or television receivers, computers, hand held wireless devices
621 or other audio appliances used off the premises, or cause fluctuation in line voltage off the
622 premises. No equipment, process, or storage associated with a home occupation shall create any
623 fire or explosion hazard, or involve the storage or use of hazardous materials in any concentration
624 greater than that which would normally be found in a dwelling containing no home occupation.

625 G. Solid or liquid waste materials shall not be created on the premises at a level greater than
626 normal to the residential use, unless provisions for the disposition of said wastes are acceptable to
627 the Delaware County Department of Health and do not create a burden on adjoining property.

628 H. No activity shall be conducted or permitted which creates a nuisance to neighboring properties.

629 I. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to
630 its use for residential purposes by its occupants and not more than twenty percent of the total floor
631 area of the dwelling unit shall be used in the conduct of the home occupation nor more than fifty
632 percent of the floor space of any garage or accessory building.

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

**REGULAR MEETING
MARCH 19, 2010, 7:00 PM**

633 J. No traffic shall be generated in substantially greater volumes than would be generated by a single
634 family home.

635 -----

636 Mr. Valentine seconded the motion. Vote: Korleski, yes; Valentine, yes; Yorko, yes;
637 Hahn, yes; Sedlacek, yes. Motion carried, change to zoning resolution initiated.

638
639 Mr. Sedlacek thanked everybody for their efforts on this. Mr. Hahn said he will take the
640 language to Mr. Betz just to give him a heads up. He said Mr. Betz may wish to examine
641 the language stating that the approval will be voided when the property is sold.

AGENDA ITEM – DISCUSSION OF CONDITIONAL USE VIOLATION LANGUAGE

642
643
644
645 Mr. Armstrong distributed information regarding conditional use permit language in the
646 zoning resolution. He said it was learned from the county prosecutor’s zoning training in
647 November 2009 that there was a problem in the conditional use permit language in the
648 zoning resolution, in multiple places.

649
650 He reviewed the existing language and the areas where it is recommended to be changed.
651 The prosecutor’s office has noted that the language indicated that the conditional use
652 permit could be revoked for non-compliance. However, that is not legal, and the
653 statement was changed to indicate, “Failure to comply with the terms of the conditional
654 use permit shall result in a zoning violation.”

655
656 Mr. Sedlacek noted that by changing the language, the township is just bringing itself into
657 compliance with what was recommended by the county prosecutor’s office.

**RESOLUTION 10.03.09.#2: INITIATE CHANGES TO MULTIPLE SECTIONS
OF THE BERLIN TOWNSHIP ZONING RESOLUTION**

658
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661
662 Ms. Korleski made a motion to accept the revised language, regarding conditional use
663 permit compliance, in Sections 7.04, 8.04, 9.04, 10.04, 12.03, 13.03, 17.03, 19.04, and
664 22.04 of the Berlin Township Zoning Resolution as follows:

665 Within this zoning district the following uses may be permitted, subject to the conditions and
666 restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXVIII
667 of this Resolution. Conditionally permitted uses shall be considered abandoned if said use or uses are not
668 commenced within one year from the date of Board of Zoning Appeals approval, or if said use is
669 discontinued for a period in excess of two (2) years. Unless the conditional use permit specifically
670 provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the
671 land and/or structure wherein the same is located or upon which the same is granted shall void the
672 conditional use permit, and the subsequent owner(s) or lessee shall be required to reapply for a
673 continuation and/or modification of such use(s) to the Board of Zoning Appeals. Failure to comply
674 with the terms of a conditional use permit shall result in a zoning violation. No conditional use shall
675 be implemented until a permit of compliance is issued by the Zoning Inspector.

676 Ms. Yorko seconded the motion. Vote: Korleski, yes; Yorko, yes; Hahn, yes; Valentine,
677 yes; Sedlacek, yes. Motion carried, change to zoning resolution initiated.

**AGENDA ITEM – DISCUSSION OF ADDITIONAL NAICS CODES TO THE PLANNED
COMMERCIAL DISTRICT (PCD) OF THE BERLIN TOWNSHIP ZONING RESOLUTION**

678
679
680
681
682 Mr. Armstrong distributed language pertaining to the NAICS codes in the zoning
683 resolution which has been reviewed by the county prosecutor’s office. He said that the
684 codes in the language were included in the Planned Commercial and Office District
685 (PCD) but not in the Planned Industrial District (PID). This was discovered during a
686 review of some proposed projects in the township.

687
688 Mr. Sedlacek said that he, Mr. Armstrong, and Ms. Korleski met as a small committee to
689 discuss the changes and make a recommendation. Mr. Armstrong added that the changes
690 include adding the recommended codes to the PID section; the appropriate codes allowed

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

**REGULAR MEETING
MARCH 19, 2010, 7:00 PM**

691 in the PCD were added to the PID, which is the highest zoning in the township. He
692 reviewed the codes which were recommended to be added to the PID.

693

694 Mr. Sedlacek said it was just an oversight that the code weren't included years ago.

695

696 Additional NAICS codes other than those already discussed by the committee have been
697 proposed to be added to the PCD as well. Mr. Sedlacek asked if the BZC wished to
698 initiate the changes at this time or wait to review the information. It was agreed that the
699 Commission will review those codes for future discussion and potential action.

700

**RESOLUTION 10.03.09.#3: INITIATE CHANGES TO SECTION 18.02 A.
OF THE BERLIN TOWNSHIP ZONING RESOLUTION**

701

702 Mr. Hahn made a motion to accept the committee's recommendation to add the following
703 NAICS codes to the PID in Section 18.02 A. of the Berlin Township Zoning Resolution:

704

705	1114	Greenhouse, Nursery, and Floriculture Production
706	44112	Used Car Dealers
707	443	Electronics and Appliance Stores
708	445	Food and Beverage Stores
709	452	General Merchandise Stores
710	453	Miscellaneous Store Retailers, (except Adults Only Entertainment Establishments and 711 45393 Manufactures Home Dealers)
712	52	Finance and Insurance
713	54	Professional, Scientific, and Technical Services (includes medical, veterinarians, 714 computer and related hardware and research and development etc.)
715	55	Management of Companies and Enterprises
716	621111	Offices of Physicians
717	621112	Offices of Mental Health Specialists
718	621210	Offices of Dentists
719	621310	Offices of Chiropractor
720	621320	Offices of Optometrists
721	621330	Mental health practitioners
722	621340	Physical, occupational, and speech therapists and audiologists
723	621391	Podiatrists
724	621399	Miscellaneous health care practitioners
725	621491	HMO Medical Centers
726	621492	Kidney dialysis centers
727	621493	Ambulatory surgical and emergency centers
728	621511	Medical laboratories
729	621512	Diagnostic imaging centers
730	621610	Home health care services
731	621910	Ambulance services
732	622	Hospitals
733	623110	Nursing care facilities
734	623311	Continuing care retirement communities
735	623312	Homes for the elderly
736	812	Personal and Laundry Services (except Adults Only Entertainment)
737	813	Religious, Grant making, Civil, Professional, and Similar Organizations
738	92	Public Administration (except 922150 parole and probation offices)

741

742 Mr. Valentine seconded the motion. Vote: Hahn, yes; Valentine, yes; Korleski, yes;
743 Yorke, yes; Sedlacek, yes. Motion carried, change to zoning resolution language
744 initiated.

745

**RESOLUTION 10.03.09.#4: INITIATE CHANGE TO SECTION 15.02 A. OF THE BERLIN
746 TOWNSHIP ZONING RESOLUTION**

747

748

749 Mr. Valentine made a motion to initiate a change in the zoning resolution to include
750 NAICS code 532120 in the PCD in Section 15.02 A) of the Berlin Township Zoning
751 Resolution, as follows:

752

753 532120 Truck and Utility Trailer Rental and Leasing

754

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

**REGULAR MEETING
MARCH 19, 2010, 7:00 PM**

755 Seconded by Mr. Hahn. Vote: Valentine, yes; Hahn, yes; Yorke, yes; Korleski, yes;
756 Sedlacek, yes. Motion carried, language change initiated.

757

758 **AGENDA ITEM – CONTINUE DISCUSSION REGARDING WIND TURBINE REGULATIONS**

759

760 Mr. Sedlacek said that Mr. Sherman has distributed information regarding wind turbines
761 as the township is considering possible wind turbine regulations.

762

763 Mr. Sherman said that the Farm Bureau of Ohio is asking for comments from farmers
764 about wind turbines. The big commercial wind turbines can only be located in the parts
765 of the state where there is adequate wind, which is not this area, and it must be about 700'
766 from residential properties.

767

768 Mr. Sherman said the language indicates “on the primary structure’s property” and he
769 opposes that because he feels such wind turbines should be allowed as long as the
770 insurance company, etc. approves of it and it is not a danger to neighbors. Such turbines
771 are typically attached to the user’s building because that is where the power will need to
772 go. He said that for example, Byers Toyota is planning to have a wind turbine, but that
773 property is close to Route 23 and that would be difficult.

774

775 Mr. Sherman said that smaller wind turbines could be used on residential properties to
776 generate electricity for smaller uses such as security lighting, etc. He said that solar
777 panels will also become popular. For example, Worthington Schools has installed them
778 and 20% of their electricity is being generated that way, and the government is helping
779 with things like this. He asked the Commission to look at the literature.

780

781 Ms. Korleski asked what the repercussions of a wind turbine dropping would be, such as
782 electrical issues. Mr. Sherman said once the propeller stops turning the electricity is not
783 generated. Mr. Sedlacek said he thought the primary concern was a tower falling on a
784 building.

785

786 Mr. Sedlacek asked the BZC to review the draft Mr. Armstrong has provided regarding
787 the NAICS codes, and the information provided by Mr. Sherman regarding wind turbines
788 for a discussion at the next meeting. Mr. Shade should also be here to present more
789 information, Mr. Sanders will provide a presentation regarding how much longer the
790 CLUP will take to complete, and the remaining CLUP subareas will be reviewed.

791

792

SYNOPSIS

793

794 **Accomplished**

- 795 ➤ Changes were initiated to the Berlin Township Zoning Resolution as follows: Section
796 21.15 Limited Home Occupation and Section 21.16 Expanded Home Occupation,
797 multiple sections regarding conditional use permit compliance, 18.02 A, and 15.02 A.

798

799 **Future Work**

- 800 ➤ Mr. Sanders will provide at the next meeting details regarding what completing the
801 CLUP will entail.
802 ➤ Members will review the additional information regarding the NAICS codes to be
803 possibly added to the PCD, to be discussed at the next meeting.
804 ➤ Members will review the wind turbine language for discussion at the next meeting.
805 ➤ The review of the CLUP will continue.
806 ➤ Work will continue on the various BZC sub-committees.

807

808 The next BZC meeting will be on Tuesday, April 13, 2010 at 7:00 PM at the Berlin
809 Township Hall.

810

811 There was no further business to come before the Commission. Motion to adjourn.

812 Meeting adjourned at 9:46 PM.

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

**REGULAR MEETING
MARCH 19, 2010, 7:00 PM**

813

814

Rick Sedlacek, Chairperson

815

816

Kristin Yorke, Vice Chairperson

817

818

Jerry Valentine, member

819

820

Jim Hahn, member

821

822

Toni Korleski, second alternate seated

823

824

Attest: _____

825

Lisa F. Knapp, Berlin Township Zoning Clerk