

BERLIN ZONING COMMISSION

Regular Meeting

April 14, 2009, 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 Chairman Rick Sedlacek at 7:00 PM.

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

9
10 BZC Members Present: Rick Sedlacek; Jerry Valentine; Kristin Yorko; Rae Ann Kerlin;
11 Jim Hahn; Betty Bringardner-first alternate; Toni Korleski-second alternate.

12
13 Mr. Sedlacek read the adopted BZC policy statement for the meeting, as printed in the
14 agenda.

15
16 **PROOF OF LEGAL NOTICE PUBLICATION**

17
18 Zoning Clerk Lisa Knapp provided proof of publication for the legal notice for this
19 meeting, which was published on April 2, 2009 Delaware Gazette, providing notification
20 of the meeting date, time, and items for discussion.

21
22 **Resolution 09.04.14.#01:Approval of 3/10/09 BZC Minutes**

23
24 Ms. Knapp said she has provided a draft of the 3/10/09 minutes to the Commission. She
25 noted that prior to the meeting tonight, Ms. Bringardner had informed her that she was
26 included in a vote indicated on line 299 of those minutes, but that it should have been Mr.
27 Hahn because she was not present at the 3/10/09 BZC meeting..

28
29 Mr. Hahn made a motion to approve the minutes from the March 10, 2009 BZC meeting,
30 as presented by the Secretary at this meeting with the noted modification. Mr. Valentine
31 seconded the motion. All in favor say, "aye," all opposed signify with same sign. No
32 opposition, motion carried.

33
34 **LEGAL NOTICE**

35
36 **BERLIN TOWNSHIP ZONING COMMISSION**
37 **NOTICE OF PUBLIC MEETING**

38
39 The Berlin Township Zoning Commission will hold a meeting at 7:00 p.m., Tuesday,
40 April 14, 2009. The purpose of the meeting is to continue discussions regarding the goals
41 and visions necessary for revising the text of the Berlin Township Comprehensive Land
42 Use Plan (CLUP). Additionally, discussions will continue on possible changes as a result
43 of the recently completed Business Community Forum. The person responsible for
44 giving notice of the public meeting by publication is Cathy Rippel. Questions concerning
45 this matter should be directed to the Zoning Office at 740-548-5217. Township residents
46 are encouraged to attend.

47
48 **AGENDA ITEM - INTRODUCTION OF MEETING ATTENDEES**

49
50 Mr. Sedlacek said the Commission and zoning staff has spent many months promoting
51 the review and update process planned for the Comprehensive Land Use Plan (CLUP),
52 including sending out mailers, placing articles in the newspaper, and going door-to-door
53 to talk to residents. The intent of this effort was to obtain more input from township
54 residents for the update task, and he said it is not desirable for the five BZC members to
55 decide what they think the vision should be. The BZC wants to hear from the residents as
56 well.

57
58 Mr. Sedlacek said the Commission has asked the Delaware County Regional Planning
59 Commission (DCRPC) to help it through the review and update process, and open

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60 dialogue will be engaged in. He requested that attendees attempt to not be redundant in
61 their statements, and he encouraged new ideas.

62

63 Mr. Sedlacek asked meeting attendees to introduce themselves.

64

- 65 • Scott Sanders, Executive Director of the Delaware County Regional Planning
- 66 Commission
- 67 • Paul Deel, a planner with the DCRPC
- 68 • Ron Kemmerling, 2461 Lackey Meadows Drive, Delaware, Ohio 43015, in the
- 69 Cheshire Cove subdivision
- 70 • Elmer Schanck, 2841 Cheshire Road, Delaware, Ohio 43015
- 71 • Jim Simpson, 5242 Finch Lane, Galena, Ohio 430121, in the Arbors of Cheshire
- 72 subdivision
- 73 • Tom Thompson, 5380 Summer Boulevard, Galena, Ohio 43021, in the Meadows of
- 74 Cheshire subdivision, also a Berlin Township Board of Zoning Appeals alternate
- 75 • Jeff Baumann, 1224 Dale Ford Road, Delaware, Ohio 43015
- 76 • Rick Gemienhardt, 881 Africa Road, Galena, OH 43021
- 77 • Dennis Mowrey, 1661 Dale Ford Road, Delaware, Ohio 43015
- 78 • Joe Korleski, BZA member, 3584 Greenville Drive, Lewis Center, OH 43035
- 79 • Toni Korleski, Zoning Commission alternate member, 3584 Greenville Drive, Lewis
- 80 Center, OH 43035, in the Shadow Creek subdivision
- 81 • Jeff Davis, 2252 Meadowshire Rd., Galena, Ohio 43021, in the Meadows of Cheshire
- 82 subdivision
- 83 • Mike Morrill, 883 Dunham Road, Delaware, Ohio 43015
- 84 • Ted Miller, of Preservation Parks of Delaware County
- 85 • Jack Knapp, 938 Winding Creek Lane, Delaware, Ohio 43015
- 86 • Mike Greer, 5909 Bayside Ridge Drive, Galena, Ohio, 43021, in the Harbor Point
- 87 subdivision
- 88 • Barbara Sherman, BZA member, 1469 Africa Road, Delaware, Galena, OH 43021
- 89 • Phil Panzerella, township trustee, 5571 Stormside Drive, in the Summerwood
- 90 subdivision
- 91 • Dave Lundberg, 285 Big Run, Delaware, Ohio, 43015
- 92 • Jim Guidarelli, 5571 Cloverdale Drive, Galena, Ohio 43021, in the Meadows at
- 93 Cheshire subdivision
- 94 • Dave Armbruster, 477 Dunham Road, Delaware, Ohio 43015
- 95 • Dan Pizzino, 625 Africa Road, Galena, Ohio 43015
- 96 • Betty Bringardner, BZC first alternate member
- 97 • Dan Lane, 2242 Berlin Station, Delaware, Ohio 43015
- 98 • David Leahy, 1484 Dale Ford Road, Delaware, Ohio 43015

99

AGENDA ITEM: STATUS REPORT FROM SUB-COMMITTEES

100

101

102 Mr. Sedlacek asked for a brief summary from the BZC subcommittees, which he noted
103 were formed because it isn't possible to complete all necessary tasks in just one BZC
104 meeting per month. These groups work between Commission meetings, provide
105 reports/updates at these monthly meetings, and they also welcome additional volunteers.

106

VILLAGE OF CHESHIRE BUSINESS COMMUNITY SUB-COMMITTEE - UPDATE

107

108 Ms. Kerlin said that this sub-committee is working to plan for the future of the merchants
109 in the Cheshire area, including learning what their needs are. Future possibilities include:
110 designation of the area as an historic center, changes in the signage requirements, and
111 speed limit changes to slow traffic and increase the visibility of that area. The group is an
112 outgrowth of the Business Community Input Forum held by the BZC in the fall of 2008.

113

**SUB-COMMITTEE PROMOTING RESIDENT INPUT IN THE COMPREHENSIVE
LAND USE PLAN (CLUP) REVIEW - UPDATE**

114

115 Mr. Valentine said that a township-wide survey of residents was recently sent out to the

116

117 Berlin Township community to obtain their input. Additionally, over the last month this

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118 sub-committee also placed the information in the newspaper, and also went door-to-door
119 to the six major developments in the township, introducing the residents to what the
120 township is doing with the CLUP and inviting them to these BZC meetings so they can
121 help craft the vision for Berlin Township for the next 10 years. The group handed out
122 fact sheets which include frequently-asked questions, to ensure that the residents were
123 aware of the CLUP update process.

124

125 Mr. Valentine said about 99 completed surveys were received out of around 3,000 which
126 were mailed out, and a document was put together which summarized the results of those
127 surveys. The township would like to have representation of each area of the township.

128

129 Mr. Sedlacek said that several people who completed the survey did not provide contact
130 information. Mr. Valentine said that those who did provide contact information were
131 contacted. He noted that last week, five people called about 60 residents total to inform
132 them about tonight's meeting, and said the group felt it was important to make sure that
133 interested residents were aware of the meeting and could get involved. He welcomed
134 input on the contact process.

135

136 EXPANDED HOME OCCUPATIONS SUB-COMMITTEE - UPDATE

137 Ms. Yorke said Mr. Hahn asked her to help with the review of the regulations in the
138 zoning resolution for conditional use permits for expanded home occupations, and she
139 will be working on this.

140

141

142 **AGENDA ITEM – REVIEW/UPDATE OF**
143 **COMPREHENSIVE LAND USE PLAN (CLUP)**

144

BACKGROUND INFORMATION

145 Mr. Sedlacek said that at the March 2009 BZC meeting, Mr. Sanders had stated that he
146 would send a survey to Commission members regarding the topics in Chapter 4 of the
147 CLUP. However, that chapter includes the goals of the township from 10 years ago when
148 they were first written. The goals were broken into two categories, likes and dislikes, and
149 Mr. Sanders included those lists because some of the "likes" are appropriate now, and
150 others are not because things have changed. He said that Mr. Sanders also said he would
151 work on Chapters 1-3 of the CLUP, and present them at this meeting. The CLUP
152 includes text and a corresponding map.

153

154 Mr. Sedlacek indicated the two maps in the room to the meeting attendees; one is the
155 zoning district map, which is what property is currently zoned in Berlin Township, and
156 the other is the CLUP map, which is the vision for what the township feels Berlin
157 Township should be in the future. The latter includes a vision for commercial
158 development along Route 36/37 sometime in the future. The BZC's goal at these
159 meetings is to review and update the CLUP text, and correspondingly, the CLUP map.

160

161 Mr. Sanders said that people tend to think about a CLUP as just a map, and many people
162 are not aware of the CLUP text. The CLUP is not just a map on the wall or in the CLUP
163 book; it includes extensive text, and the process to review the text begins at this meeting.
164 He pointed out the areas marked with solid, dark colors on the CLUP, which indicate
165 property which has already been zoned, and the areas marked with light colors with a
166 cross-hatched pattern represent the base zoning, which is Farm Residential District (FR-
167 1). Some areas of the township may develop during the next 10-20 years, and others may
168 remain as zoned today, but all property in the township has a future designation. The
169 CLUP was put together in 1999 and was revised a few years ago to include an addendum
170 in the text, he noted.

171

172 Mr. Sanders said that there are many chapters which lead up to the information included
173 in the CLUP map, and so the map will be discussed later because all the background
174 chapters in the CLUP text need to be reviewed first. During the introductory meeting
175 with the BZC in November 2008, he discussed this review and update process with the
176 BZC and the BZA, and a BZC meeting was also held last month, but he felt it was
177 important to let all the meeting attendees know what the process will be.

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178

179 Mr. Sanders said that the CLUPs in any jurisdiction include numerous standard
180 background chapters which must be reviewed prior to examining the CLUP map. The
181 information in these chapters includes the following:

182

- 183 ♦ Population projections.
- 184 ♦ Demographics.
- 185 ♦ Current land use, which is the existing land use.
- 186 ♦ Natural resources, which discusses all natural features of the area, including
187 water, types of land and soils, etc.
- 188 ♦ Housing chapter, which discusses the current housing stock and how that
189 correlates with national housing stock mixes.
- 190 ♦ Economic conditions; this has changed recently and this will be an interesting
191 chapter to review.
- 192 ♦ Roads and other transportation facilities.
- 193 ♦ Utilities, including water and sewer services, etc.
- 194 ♦ Community facilities, including schools and their current facilities and future
195 plans.
- 196 ♦ Township services, including fire, safety, and other emergency services.
- 197 ♦ Churches.
- 198 ♦ Open space and recreation, including future goals for active and passive
199 recreation, including the existing Alum Creek Reservoir and the land around it.
- 200 ♦ Recommendations.

201

202 Mr. Sanders said that typically, the Commission will review more than one chapter at
203 each monthly meeting, and tonight there are three such chapters to review. Some
204 months, a projector will be brought in so the DALIS Project program can be reviewed by
205 meeting attendees. DALIS is an acronym for the Delaware Appraisal Land Information
206 System, which is the mapping technology used by Delaware County, and is an on-line
207 geographic information system which provides geographic data in several different
208 layers, including zoning, rights-of-way, parcels, etc. There are 100's of different layers
209 which are used to create maps in the CLUP, and DALIS includes zoom-in and zoom-out
210 features. The website is www.dalisproject.org/pages/dalisweb.htm.

211

212 Mr. Sanders said that the DCRPC is under contract with Berlin Township to bring a
213 certain number of printed copies of the materials to be reviewed, and tonight he brought
214 16 copies of the information. Because this is a working draft, the review will not be line-
215 by-line, but the review will ensure that the information is reviewed and corrected as
216 necessary. For consistency, the DCRPC employs a template used in the past for other
217 townships, and it has been modified to be specific to Berlin Township.

218

219 Mr. Sanders opined that the review and discussion of the first few chapters tends to be
220 dull and tedious, and the result is frequently that meeting attendees are "scared away" and
221 do not complete the entire review process; however, that is not the intention and the
222 preliminary information must be reviewed first. He noted that if he uses land planning
223 terms during these meetings which the meeting attendees are not familiar with, he can
224 explain them upon request.

225

226 Mr. Sanders said the CLUP text will include a front cover sheet which includes township
227 officials information, date information, etc.

228

229 Mr. Simpson asked if the maps were available online. Mr. Sanders said they are on the
230 dcrpc.org website at the Comprehensive Plans and Zoning Map link.

231

232 Mr. Armstrong said there is also a link to the DCRPC and the CLUP on the Berlin
233 Township website at berlintwp.us. One can click on "zoning dept." on the left side of the
234 page, and then on the left side of that page click on "Delaware County Regional Planning
235 Commission."

236

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237 Mr. Sanders said that the technology from Delaware County is used to update the CLUP
238 map as soon as changes have been made, so the 1999 CLUP map looks different because
239 re-zonings have occurred and parcels have been created since 1999.

240

241 Mr. Sanders said that “planning” is sometimes viewed as a negative word because some
242 people think it only refers to “big government.” However, planning is simply the vision a
243 community has for how it wants to be developed. There are many beneficial purposes for
244 planning, including keeping property values stable and providing the correct land use mix
245 for tax base purposes.

246

247 Mr. Sanders said a timeline was included in the current CLUP which indicates how
248 planning has changed in the United States, and how that has affected zoning over the
249 years. In the 1800’s, frequently planning had an aesthetic quality such as a “city
250 beautiful movement,” which later changed to be a “city efficient movement,” which was
251 more relevant to engineering rather than beautification. The intent of this movement was
252 to plan for the future, and zoning came along later as a method to plan communities.
253 Zoning was found to be valid in the court systems as a method for government to say that
254 a certain use is appropriate and beneficial for a certain area.

255

256 Mr. Sanders said that it was found that the only way to accomplish zoning was to treat a
257 large area in the same manner, and that is how zoning came to be upheld in the court
258 system. This is how various zoning districts were created, which prevents situations such
259 as having two land uses adjacent to each other which are extremely opposite uses. In
260 general, zoning requirements resulted in a dispersment of uses in an area so one could
261 not access one use from another use without having to drive to it, such as going from
262 home to work, to businesses, to the park, etc. An attempt is being made to overcome this
263 in certain areas.

264

265 CHAPTER 1 - REVIEW

266 Mr. Valentine said that the 3rd and 4th paragraphs on page 13 of the document seem to be
267 contradictory. The former states that a land use plan is not a requirement, and the latter
268 paragraph states that it is an Ohio law, which he thought would supersede everything.
269 Mr. Sanders said this is due to different interpretations of the Ohio Revised Code (ORC);
270 it is difficult to know the intent of laws sometimes. Some states require a comprehensive
271 plan, but Ohio has never required a comprehensive plan. However, it does reference that
272 zoning must be done in accordance with a plan. Most jurisdictions started their planning
273 with zoning because it was more defined than planning in the ORC. There was a court
274 case which included the premise that there cannot be zoning without a plan, and the judge
275 ruled that if zoning and a valid zoning map have been adopted, the map can be
276 considered as the plan.

277

278 Mr. Sanders said that this is disappointing to planners because the maps only indicate
279 right now what currently exists, and it doesn’t indicate the community’s vision and how it
280 would like to look in the future. So, there is a law which references comprehensive
281 planning and that zoning must be approved in accordance with that plan, but it doesn’t
282 indicate the necessary process to adopt a plan. Thus, the same process used for a zoning
283 change or the adoption of a zoning resolution revision is used. The BZC will deliberate
284 any changes/updates to the CLUP, and send them with a recommendation of approval to
285 the trustees.

286

287 Mr. Hahn asked whether the ORC states that if there is a CLUP in place, then zoning
288 must abide by it. Mr. Sanders said that was the intent, but he didn’t think it was a
289 requirement. Mr. Sedlacek said that he was told years ago that the lack of adherence to a
290 CLUP is a legitimate reason to deny a rezoning or an application. Mr. Sanders said that
291 was why this review process occurs; when an applicant requests to rezone his or her
292 property in a manner which does not correlate to the CLUP, the BZC can state that it
293 went through the process and identified via the CLUP the use of the property and
294 surrounding properties, and state that the proposed plan does not meet the CLUP. This is
295 useful because the Commission doesn’t have to start over each time a new application is
296 filed, or use arbitrary reasons to approve or deny an application.

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297

298 Mr. Sanders said that once the completed surveys have been received, the summarized
299 information can be inserted in the front of the book in a vision section. He noted that
300 Berlin Township did a great basic survey of its residents, and received many ideas and
301 additional comments from it. He hopes to take the vision statements from the original
302 1999 plan and, rather than starting over, discuss those statements and rank the goals to
303 see if they are still applicable to Berlin Township. He noted that most of the goals are
304 very positive and will probably continue to be so.

305

306 Mr. Sanders noted that recently, the Orange Township Zoning Commission and BZA
307 members also completed a similar survey and the goals were mostly positive as they are
308 the good things about the township and provide hope for the future. One goal which
309 ranked lower now than it did 10 years ago was the preservation of agriculture in that
310 township, because there are not very many agricultural areas in Orange Township (OT)
311 any more. The average OT resident may not even be aware that there are still agricultural
312 areas in that area. This is not because they don't care about agriculture, but because they
313 don't feel that it is a priority over other goals.

314

315 Mr. Sanders said that another OT goal from 10 years ago was that the dedication of
316 school property should be sought from developers by the township during the rezoning
317 process. However, the thinking has changed since that time and it is now felt that it is not
318 the community's authority to request such property donations; it is the school system's
319 responsibility. This should be kept in mind when property is being rezoned, but
320 developers and landowners can still negotiate for school sites.

321

322 Mr. Sedlacek asked that the township pictures in the CLUP be updated, perhaps to
323 include a picture of the new fire department.

324

325 Mr. Sanders read a paragraph on page 14 which states the intent of the CLUP update and
326 reviews changes which have occurred between 2000 and 2009. The goals and policies
327 will be reviewed and it will be determined whether the goals are still applicable, and they
328 will be amended if necessary. This will be included in the objectives and
329 recommendations section at the end of the book..

330

331 A revised text and map will be created for the recommended land use of each parcel, and
332 recommended densities for zoning districts. That will be the implementation phase, and
333 it can take a long time to put it into zoning. He is not aware of a township which decided
334 to initiate re-zonings based on the CLUP, although that could be done if the rezoning
335 process is followed. However, that is not the intention here.

336

337 Mr. Sedlacek said that he appreciates when the full name and its associated acronym is
338 used for the first iteration of a word or item, and he asked if that could be changed in the
339 CLUP text, and the Commission agreed. Mr. Sanders said that it should be included in
340 the glossary as well.

341

342 Mr. Gemienhardt said that in the middle of page 14 there is a two-sentence paragraph
343 which states that, "The Comprehensive Plan is policies, goals, and map for the future
344 development of the township." He agreed with that statement. The next sentence,
345 "After the adoption of the 2009 Comprehensive Plan, the township must amend their
346 zoning, as needed, to implement its recommendations." He expressed concern about this
347 statement, and asked if the statement was intended to mean that the CLUP must be
348 amended, or zoning would actually be amended? He asked how a township could amend
349 zoning to meet a new land use map, as he thought that was applicant-driven.

350

351 Mr. Sanders said the word "must" was probably too severe a word. For example, if there
352 was no open-space requirement in the planned residential district, but it was decided by
353 the township that smaller lots with required open space were desirable. In that case, the
354 zoning resolution would have to be amended, but the zoning map would not need to be
355 updated. Mr. Gemienhardt asked whether he was referring to the zoning resolution or
356 the zoning map. Mr. Sanders said he was referring to the zoning resolution, and he

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357 suggested deleting the word “must” from that phrase. Mr. Sedlacek said he would like to
358 replace “zoning” with “zoning resolution” because he also thought it referred to the map.
359 Mr. Hahn thought it referred to either, because changes are periodically necessary to the
360 CLUP.

361
362 Mr. Sedlacek said he could not think of changes to the CLUP which would result in
363 changes to the zoning map. Mr. Sanders said he could also recall none in this area;
364 however, for example, an area which used to be industrial but is now a brownfield, and it
365 is not desired to re-build the site as planned industrial, the property could be rezoned to
366 planned commercial. As long as the process to change this is initiated by the township
367 and the neighbors are notified per the ORC requirements, such a change could be made.
368

369 Ms. Korleski said the phrase read by Mr. Gemienhardt indicates that the CLUP is first
370 amended, and then the zoning is changed to reflect the changes made in the CLUP, and
371 she thought that the zoning must be changed; that is why the CLUP is being updated.
372 Mr. Sedlacek said the plan doesn’t always match the zoning map and it indicates the plan
373 for what will be.

374
375 Mr. Sanders said the issue is whether the map should be updated immediately after the
376 adoption of the CLUP is complete, and also that when the map is updated it should be
377 done in accordance with the CLUP. That is true, but the phrase means that any necessary
378 changes should be made to zoning in order to implement the CLUP. Ms. Korleski
379 confirmed this meant changing the zoning rules, not the map. Mr. Sanders said that was
380 correct, and the assumption is that when the map is updated, future zoning will be done in
381 accordance with the CLUP.

382
383 Ms. Korleski said that in that case the map is disregarded. If the CLUP is updated to
384 reflect the future zoning use desired by the community, then the zoning resolution should
385 be amended, but not necessarily the map. Mr. Sanders said that changing the paragraph
386 as requested would accomplish that, as it references the zoning resolution and not the
387 map. When individual developers come forward, the map will be updated.

388
389 Mr. Hahn said that to him, the sentence meant that, for example, a property is zoned FR-
390 1, and an applicant wants to change it to different zoning. The Commission would then
391 consider the vision to determine whether the request is consistent with it. The zoning
392 map wouldn’t be changed until that determination is made. Mr. Sanders said that is
393 probably the same language as the original CLUP version.

394
395 After additional discussion, it was agreed to replace “must” with “will” and to leave the
396 term “zoning” as is.

397
398 Ms. Yorko said that the first line of the aforementioned paragraph should read “policies,
399 goals, and maps” because there are many maps in that section. Mr. Sanders said that in
400 this case, the word “map” referred only to the CLUP recommended use map. After
401 further discussion, the term “land use map” was agreed upon to replace “map.”

402
403 There were no further changes to Chapter 1.

404
405 **CHAPTER 2 - REVIEW**

406 Mr. Sanders said that Chapter 2 is Population. Most of the information included in this
407 chapter is based on Census data, but the Census only takes place every 10 years and the
408 process is just beginning again. It is not practical to make many assumptions in the
409 amount of growth between 2000 and 2010 as the data are not known. Thus, much of the
410 information in this chapter hasn’t been changed. He said the existing plan could have
411 been based on 1990 Census data.

412
413 Mr. Sedlacek noted that the 2000 data was projected, so the actual census data used for
414 that projection was from the 1990 Census. The projected population of Delaware County
415 is indicated as 107,000, and the actual is 109,900, which is close. He asked when the

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416 2010 Census data would be available. Mr. Sanders said that the information probably
417 won't be available until 2011 or 2012.

418
419 Ms. Kerlin asked if the CLUP could be updated, or an addendum included, when that
420 information is available. Mr. Sedlacek said that in the past, updates to the CLUP map
421 had been made, but the text was not updated at that time. Mr. Hahn said that business
422 plans are frequently updated via a rolling update, and this is a similar situation, so
423 perhaps the information could be updated in the CLUP on a rolling basis as well. Mr.
424 Sanders said it would be interesting information, but it probably wouldn't influence the
425 decisions the BZC makes, and the process would be tedious.

426
427 Mr. Sanders said that the DCRPC includes two different reports on its website, including
428 the demographic information, which is updated annually, and projections are done for the
429 entire county. Some of the information will be included in the CLUP. The DCRPC also
430 posts information on Development Trends, which tracks all subdivisions throughout
431 Delaware County. Projections have been done in the back of the CLUP, and because the
432 number of building permits is known, an estimate of the township's population can be
433 made.

434
435 Mr. Sedlacek said that the last sentence on page 16 states that, "In examining the varied
436 growth rates surrounding Berlin Township, the generalization can be made that growth
437 pressures are mostly eminent from the west and northwest, as well as from the south."
438 He believed that the pressures are coming primarily from the south, as well as from the
439 west and northwest, and he suggested changing the language to reflect that. Mr. Sanders
440 said that would depend on one's definition of "pressure." The pressure to develop within
441 the township definitely comes from the south, because that is where county sewer would
442 come from, but the township is impacted from the west and northwest from the City of
443 Delaware. It doesn't necessarily impact the township's growth today, but the township is
444 being impacted from those areas.

445
446 Mr. Hahn added that annexation is more eminent from the west and northwest than from
447 the south. Mr. Sedlacek said that if this Commission and Mr. Sanders were fine with the
448 proposed language, he was fine with it as well, and he asked for any comments from the
449 Commission. No comments were stated.

450
451 Mr. Hahn said that the second table on page 16, labeled "Area Townships," references
452 information on area townships, and Orange Township was not included for some reason.
453 Mr. Sanders said that all the townships used to be listed on the table, and later only the
454 surrounding townships were shown; however, this information may have come from the
455 Berkshire CLUP, and that is why Orange Township's information wasn't included. Mr.
456 Sedlacek asked that data be inserted for Orange, Liberty and Brown Townships, as those
457 townships are also adjacent to Berlin Township.

458
459 Mr. Sanders said that Ohio's population hasn't grown as fast as the national average, but
460 the Central Ohio area, including Delaware County, has always been comparable with the
461 national trend. This is attributable to the area's location, and also good schools, good
462 roads, and low taxes. Many people have moved to Delaware County for larger lots and
463 the "rural character" of the area. Franklin County does have areas which are growing,
464 and it will be interesting to see the data and how much migration there has been from that
465 county to Delaware County.

466
467 Mr. Morrill said that the demographic information from October 2008 prepared by the
468 DCPRC indicates the population for Berlin Township from 7/1/07 was 5,206. Mr.
469 Sanders said that information has become available since then. Mr. Morrill said that
470 other information indicates to him that the population is about 5,500 now. Mr. Sanders
471 said that Figure 2.11 on page 22 indicates that the projected population for Berlin
472 Township for 2008 is 5,563, and those figures are adjusted every year.

473
474 Mr. Sanders said that Figure 2.4, Central Ohio Growth Rates, on page 17 was updated
475 slightly from American Community Survey information. Figure 2.5 on page 18, Area

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476 Counties in Context with Nation’s Fastest-Growing Counties: April 1, 2000 to July 1,
477 2008, indicates that Delaware County is ranked #21 in the top 100 national ranking.
478 However, it was at 11% at one point, and also 8%. The county continues to make the list
479 because growth in many other parts of the county has slowed down. The ranking is based
480 not on population but on percentage of growth. It was noted that the words “Arizona”
481 and “Virginia” were misspelled in this section.

482
483 Mr. Sanders said that figures 2.2 and 2.6 on page 18 indicate the population figures and
484 the growth in Berlin Township from one Census to the next Census. In 1960 there were
485 1100 people, 1400 in 1970, 1,600 in 1980, nearly 2000 in 1990, and 3,313 in 2000, so in
486 that last decade the growth was 67.49%.

487
488 Mr. Sanders said that on page 19, Table DP-1 includes information from the 2000
489 Census, and he didn’t think that percentage-wise this would change very much, because
490 much of the growth has been from the same demographic groups. Table 2.3 on page 20
491 includes information indicating that over the last 10 years the township has issued 1,023
492 building permits, which is a dramatic increase from the prior 19-year period, when only
493 582 new building permits were issued. In fact, nearly as many building permits were
494 issued in the 5-year period from 2000-2004 as in the prior 20 years. Much of that growth
495 has come from the increased availability of sanitary sewer service.

496
497 Mr. Sanders said that the table on page 20, Figure 2.8 includes a comparison of different
498 townships. Genoa, Liberty, and Orange Townships are considered the “first-tier
499 sewerred” townships, and Concord, Berlin, and Berkshire’s growth has also increased.
500 However, there has been a huge drop-off from the 2003-2004 time period, and a steady
501 decline since then. The tables on page 21 indicate that other townships have followed a
502 similar trend with a drop off in building permits. He noted that Figure 2.8 includes both
503 single-family and multi-family development, which really impacts townships like Genoa
504 and Orange. Mr. Sedlacek asked if that data only included homes and not other types of
505 development. Mr. Hahn said it would include apartments and condos as well.

506
507 Mr. Sanders said that it has been a long time since an actual apartment building has been
508 built, not including the popular 4-unit Epcon condos or single-family detached condos,
509 which are the current trend. The only apartments built recently are located in the Polaris
510 and Orange Township areas.

511
512 Mr. Sedlacek asked that the figure should be labeled “residential building permits,” as the
513 township issues many other types of building permits. Ms. Yorke agreed. Mr. Sanders
514 suggested, “new residential building permits.” He said that until the recent slow-down,
515 commercial building permits were not considered much, although such permits for retail
516 buildings have been fairly strong. More information has been provided in the Economic
517 Conditions chapter.

518
519 Mr. Sanders referred to page 22, and said that a DCRPC staff member applies a formula
520 to the building permit information, gleaned from Census data, which determines the
521 average number of people per unit, and each township is slightly different. Information
522 from this has been included in Figure 2.11, Population by Housing Unit Method
523 Projections for Area Townships/Municipalities. Berlin Township’s population index is
524 2.81 people per residential unit. All jurisdictions are tracked using the building permit
525 data, not the occupancy permit data, and that number is used to project the areas where
526 the growth will continue, slow, or stop. A 5-year period is used to determine this
527 information.

528
529 Mr. Sanders said the population projection for Berlin Township is 5,563 in 2009, and an
530 addition of 15-20 residential units in 2010. The current growth rate will probably be 64%
531 for the decade, and 41% for the following decade. He noted there is still a lot of land
532 available to be developed. Orange Township’s percentage is lower because it doesn’t
533 have very much land available, but surprisingly, that township has as much acreage
534 undeveloped as has been developed over the last decade. However, some of that land is
535 not as accessible as the land which has already been developed.

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536

537 There were no further comments or questions on Chapter 2 of the draft plan.

538

539 CHAPTER 3 - REVIEW

540 Mr. Sanders said that the first page of Chapter 3 is a new map which indicates where
541 growth has occurred over the years. This information was based on the auditor's data
542 regarding the year each house was built. The area indicated in dark blue indicates the
543 houses which were built prior to 1900, light blue indicates from 1901-1950, green
544 indicates 1951-1990, and yellow is 1991-1999, orange is 2000-2005, and red is 2006-
545 2008. He said it is interesting to note where and how the growth occurred.

546

547 Mr. Sanders said that the meaning of the term "platting" is sometimes not known, and he
548 explained that the plat is the subdivision document that creates lots and which is filed
549 with the county. Platting can be accomplished along road-frontage lots. Today it would
550 not be typical to plat 2-3 lots on road frontage, but in the past there were one, two, and
551 three-lot plats. The data indicates that as sewer capability became available in the late
552 1990's, in the 2000's the number of lots increased compared to the acreage. Many
553 national standards indicate that in areas which have already been developed, more acres
554 are used per person as the county develops. However, in high-growth areas, the opposite
555 effect occurs and the number of acres per person decreases.

556

557 Mr. Sanders said that platted lots can be tracked easily because they are all recorded by
558 the county. The DCRPC has a two-step process; the preliminary plat of a subdivision is
559 reviewed, and the final plat is reviewed at some point later. The preliminary plat
560 provides a vision of how the lots and streets will be designed, and once the final plat is
561 approved by the DCRPC it is filed in the recorder's office and can be sold off to
562 individual buyers. Much of the platting development has been done in the southern tier,
563 including proceeding north along Route 23 and S. Old State Road, as well as Africa
564 Road.

565

566 Mr. Sanders said that figure 3.2 on page 26 indicates all the platted subdivisions in Berlin
567 Township by date recorded since 2000, including the date recorded, the number of lots,
568 the number which are buildable lots, and the built lots are the number of lots approved for
569 a house to be built upon. There was additional discussion.

570

571 Mr. Sanders said that in the decade referred to in this figure, Berlin Township had 771
572 acres developed into 876 single-family lots. He said the average density indicated may
573 not be comparable to the actual zoning because it is based on how it was platted.

574

575 Mr. Sanders said there exists a process called the "no-plat lot split," which is an
576 administrative review by DCRPC staff. This is done without a plat; a legal description
577 and survey is filed, as well as a sample deed with the DCRPC. County engineer, health
578 department and zoning office approval must have already been received prior to being
579 reviewed by the DCRPC. This can be done up to four times per year by one person, plus
580 the remainder if it is under 5 acres, if the lot has existing street frontage and the split
581 would not result in the creation, improvement, or extension of a road or easement. He
582 noted that in some townships, that is the only development which occurs. Only lots
583 which are less than 5 acres and lots which are vacant when they are created are counted.

584

585 Mr. Hahn said if a property owner owns many acres, such as from a farm, that person can
586 continue to split lots along the road frontage and isolate the rear property from access to
587 that road without going through the rezoning process. Mr. Sanders said that typically a
588 small strip of land is left to provide access to the rear part of the property, but that can
589 cause problems in the future when somebody buys that part of the property and wants to
590 have a common access driveway to the property, requests variances, etc. Common access
591 driveways are acceptable in some cases, but when they are longer than 1,000-2,000 safety
592 issues can be created. To avoid these problems, people need to plan ahead.

593

594 Ms. Bringardner noted that on page 26, in Figure 3.2, the name "Roseland" should be
595 spelled "Roesland."

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596

597 Mr. Sedlacek asked what the PCD to PCD indication was on table 3.4 Approved
598 Rezoning, 2000 to 2008, in Berlin Township, on page 27. Mr. Sanders said that table
599 should have been placed after table 3.5. He noted that it is not typical for a property to be
600 rezoned from one district to the same district, but it has happened in the past. There was
601 additional discussion.

602

603 Mr. Armbruster asked if a glossary could be created to include the acronyms used in table
604 3.4. Mr. Sanders explained the acronyms for each district, and said that most townships
605 have a planned residential district which provides flexibility in lot size, and the intention
606 is smaller lots with open space in a planned district. In Berlin Township there are three
607 categories with differently density requirements in the Planned Residential District.

608

609 Mr. Sanders said that "NCD" is Neighborhood Commercial District, intended for uses
610 which are conversions from a residential use to a commercial use in an area of transition.
611 It is a rare designation and it is typically in an old village center or an area where the
612 property is non-conforming and the use doesn't fit into a planned district.

613

614 Mr. Sanders said that "TPUD" is the Transitioned Planned Unit Development, which
615 takes the multi-family areas out of the Planned Commercial area. "POD" is Planned
616 Office District. "PCD" is Planned Commercial and Office District, and "OCPUD" is the
617 Old Cheshire Planned Unit Development District created to allow the mix of uses in that
618 limited area which already existed, and to provide a plan for what can develop there in
619 the future.

620

621 Mr. Sanders said that the area indicated as "I" is a straight Industrial District where
622 certain standards must be met, but a development plan is not required. "PID" is Planned
623 Industrial District, which requires a development plan. He noted that most re-zonings in
624 the county have been in planned districts, which allows townships greater control over
625 how that design takes place.

626

627 Mr. Sanders said that "A-1" is the Agricultural Preservation District, which requires a
628 minimum of 20 acres. "FPRD" is the Floodplain Regulatory District.

629

630 Mr. Sedlacek noted that all the districts are detailed in the zoning resolution and also on
631 the Berlin Township website.

632

633 Mr. Sanders said that on page 29, Figure 2.6 is the Development Pattern Map, which
634 includes information about what is happening in the township. Green indicates property
635 which has been rezoned, yellow indicates that the property has been informally reviewed
636 or preliminary approval for subdivision has been received, and red indicates that the
637 property has been recorded. Potentially, property could be rezoned but it would not be
638 indicated in green because it has been recorded since the time it was rezoned. There are
639 large areas in the township of rezoning and many recorded subdivisions. He noted that
640 there is no color difference on this map between platted commercial subdivisions and
641 platted residential subdivisions.

642

643 Mr. Sanders said that the DCRPC creates a development summary at the end of each
644 year. On page 30, figure 3.7 indicates all the lots which are in the platting pipeline and
645 he reviewed the information. The table indicates that 9,419 lots are in this process. Last
646 year there were many final plattings but not many preliminary plattings county-wide, and
647 the conclusion has been drawn that developers are trying to sell existing properties. The
648 DCRPC attempts to track how long it would take to build out all the lots in the pipeline.
649 Because the number of lots which are built every year has decreased, the length of time
650 necessary to build out a lot has stayed about the same. The average supply of lots is
651 about a 6-9-year supply in Delaware County. It is estimated that Berlin Township has an
652 11-year supply of platted lots, and a 3-year supply is considered normal for a township.
653 The CLUP should address how the growth and supply of lots can be managed.

654

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655 Mr. Sanders said that more analysis can be done on the numbers, and the township can
656 check the provided information. Mr. Sedlacek noted that the last paragraph provides a
657 good explanation of how annexation works. There are some things a township can try to
658 stop annexation, in some circumstances. There is an expedited annexation process
659 through the state, and if 100% of the property owners agree and other conditions are met,
660 it is difficult to prevent the annexation.

661
662 Mr. Sedlacek noted that annexation doesn't automatically change school boundaries. Mr.
663 Sanders agreed that school districts are completely separate. Mr. Thompson asked if just
664 51% agreement was required by property owners to annex. Mr. Sanders said there are 3
665 ways to annex, including expedited, which requires 100% approval, but he wasn't certain
666 about the other methods.

667
668 Mr. Valentine said that on page 25, the Delaware County Regional Planning Commission
669 abbreviation is indicated "DCRPC," but on page 15 the DCRPC acronym is not
670 explained, and he suggested including it on page 15 as well. On page 18, in figure 2.6,
671 there is comma inconsistency.

672
673 Ms. Yorko asked if the tables in the CLUP could be rotated horizontally for clarity. Mr.
674 Sanders said that could be done. Ms. Kerlin added that there were hole punches through
675 some of the numbers on pages, and she suggested left-justifying the numbers so they
676 aren't located in the margins. There was a discussion about binding the final document
677 or putting it in a loose leaf binder. Mr. Sedlacek said that the latter option would be
678 easier to update in the future.

679
680 Mr. Korleski asked if the BZC sets the land density per acre. Mr. Sanders said that all
681 planned districts have a development plan which indicates where the lots will go. When
682 the DCRPC reviews a subdivision, it must meet the development plan. The zoning office
683 always ensures that it matches the submitted development plan and subdivision plat, and
684 then signs the final mylar plat. Mr. Korleski asked if the BZC approves lot sizes, or
685 whether that is indicated on the plat map, because he didn't want somebody "sneaking-
686 in" many apartments on a property when there are land-density requirements. Mr.
687 Sanders said that apartments cannot be built without rezoning the property.

688
689 Mr. Sedlacek said that developers can request higher density, but the CLUP is a vehicle
690 which can be used to deny a rezoning application which violates the CLUP. Mr. Hahn
691 asked if a property owner could create lots which are smaller than the township's
692 minimum lot size, using the administrative process mentioned earlier in this meeting.
693 Mr. Sanders said lots cannot be smaller than the minimum lot size for that zoning district,
694 which for FR-1 is one unit per 2 acres for areas without sewer, and 1 acre with sewer.
695 Mr. Armstrong said that one acre can be done without sewer, depending on the soil, and
696 proof must be provided to the health department.

697
698 Mr. Morrill said that he did research, and there are a total of 1,033 lots in PRD
699 subdivisions in Berlin Township, which is a density of less than one unit per acre. There
700 are 133 lots in FR-1 subdivisions which have lots which are larger than one acre. There
701 are 207 mobile home lots in the township. Based on 3 people per lot, there are about
702 3,100 people who live in PRD subdivisions in Berlin Township, 400 people live in FR-1
703 subdivisions, about 400 people live in a mobile home park, and about 1600 people live in
704 2-acre or more FR-1 lots, not located in a subdivision. He asked if this information
705 seemed accurate and if that was "what the township looked like." Mr. Sanders said it did
706 seem correct, and it would be interesting for the DCRPC to examine this information as
707 well. Mr. Morrill said that residents in different areas have different needs.

708
709 Mr. Gemienhardt asked if consideration could be given to adding text references to
710 Figures 3.5 (page 28) and page 3.6 (page 29) to provide more information for those who
711 are not familiar with the subject matter. The CLUP should have all information possible
712 so people don't have to reference several documents to understand it. This would make
713 the CLUP an easier read and a more powerful document, and he noted that a lot of good
714 information has been included. Mr. Sedlacek said that a glossary would also help.

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715

716 Mr. Lane asked if when and if Glenn Road is extended, would the property used for the
717 road have to be annexed into the city? Mr. Sanders said he didn't think it would have to
718 be annexed, but the landowners would have to be worked with. Mr. Hahn said that now
719 that sewer and water is available to school sites in Berlin Township, hopefully that will
720 reduce annexations. Mr. Lundberg mentioned a 10-year old sewage facility to the north.
721 There was additional discussion. Mr. Sanders said that the DCPRC will do as much as
722 possible to update the utilities chapter.

723

724 Mr. Sedlacek asked how the information in the CLUP would be updated and provided to
725 the BZC. Mr. Sanders said he preferred to get through the early chapters and then bring
726 them all back with changes.

727

728 Mr. Sedlacek asked that Mr. Sanders spend some time reviewing with the BZC the results
729 of the survey regarding chapter 4 of the CLUP. Mr. Sanders said the intention was that
730 the general public would be involved with this process via the township survey. He said
731 that only 3-4 surveys have been received from the township. Mr. Sedlacek said the
732 remaining responses will be sent soon.

733

734 Mr. Sanders said at the next meeting Chapters 5 Land Use, 6 Natural Resources, and
735 Chapter 4 will be reviewed.

736

737 Mr. Sedlacek thanked Mr. Sanders for his work on this. Mr. Sanders said that Mr. Deel
738 put most of the information together. Mr. Sedlacek said that he hoped to see this many
739 people in attendance at each meeting in the future, and he noted that the information in
740 the first few meetings can be considered to be "dry."

741

742

743

744

745

AGENDA ITEM – COMMENTS FROM THE ZONING INSPECTOR

746

747
748 Mr. Armstrong said that zoning resolution updates have been placed in township
749 officials' copies, and he asked that anybody who needs their book to be updated please
750 submit their books to the zoning office tonight.

751

752 Mr. Armstrong said that the Berlin Township clean-up date would be on 5/2/09 from 7:30
753 AM to 12:00 noon.

754

755 Mr. Armstrong said that last night at the trustee meeting, the Delaware County Sanitary
756 Engineer provided a presentation on the sewer proposals for Cheshire Elementary on
757 Gregory Road, and this information has been placed on the Berlin Township website.

758

759 Mr. Armstrong said that the DCRPC has compiled a comparison of the PRD districts in
760 Berlin Township and how they compare with Orange and Liberty Townships, and he
761 distributed the information.

762

763 Mr. Sedlacek said that next BZC meeting will be on May 12, 2009 at 7:00 PM, and
764 Berlin Township Fire Chief Bill Beckstein has been invited for the CLUP review. He also
765 invited all attendees to attend that meeting as well.

766

Resolution 09.04.14.#02:Approval of 3/10/09 BZC Minutes

767

768
769 Ms. Knapp said that she checked the correction from Ms. Bringardner mentioned earlier
770 at this meeting. She found that the reference to Ms. Bringardner was not an actual
771 motion from the 3/10/09 meeting; it was from a quotation of Res. 09-02-03-02 from the
772 2/13/09 BZC meeting, which Ms. Bringardner was present for. Based on this
773 information, that correction to the minutes should not have been made.

774

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775 Mr. Hahn withdrew his motion for Resolution 09.04.14.#01. Mr. Valentine withdrew his
776 second.

777

778 Mr. Hahn made a motion to approve the minutes from the March 10, 2009 BZC meeting,
779 as presented at this meeting by the Secretary. Ms. Kerlin seconded the motion. All in
780 favor say, "aye," all opposed signify with same sign. No opposition, motion carried.

781

782

SYNOPSIS

783

ACCOMPLISHED

785 ➤ Chapters 1, 2, and 3 of the CLUP were reviewed.

786

FUTURE WORK

788 ➤ Work will continue on the various BZC sub-committees.

789 ➤ At the next BZC meeting on 5/12/09, Chapters 5 Land Use, 6 Natural Resources,
790 and Chapter 4 will be reviewed.

791

792 The next BZC meeting will be on Tuesday, May 12, 2009 at 7:00 PM at the Berlin
793 Township Hall.

794

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

796 Meeting adjourned at 9:25 PM.

797

798

799

Rick Sedlacek, Chairman

800

801

802

Jerry Valentine, Vice-Chairman

803

804

805

Jim Hahn, member

806

807

808

Kristin Yorko, member

809

810

811

Rae Ann Kerlin, member

812

813 Attest: _____

814 Lisa F. Knapp, Berlin Township Zoning Clerk