

**BERLIN ZONING COMMISSION**

**Regular Meeting**

**June 12, 2008, 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 The meeting was called to order by Chairman Rick Sedlacek at 7:00 PM.

6  
7 Mr. LeBlanc led meeting attendees in reciting the Pledge of Allegiance.

8  
9 Present: Rick Sedlacek, Bob LeBlanc, Jim Hahn, Jerry Valentine, Kristin Yoroko.

10  
11 Also present:

12 Zoning Inspector Ray Armstrong and 2<sup>nd</sup> alternate Rae Kerlin.

13  
14 Meeting Attendees Who Signed In

15 Joey Osborne, 13300 S. Vision Drive, Kenton, OH 43326

16 Dominick Mangone, 4801 W. Hillsboro Blvd., Coconut Creek, FL 33073

17 Ron Held, 5530 Columbus Pike, Lewis Center, OH 43035

18 Rob Stambaugh, 1701 Hogback Rd., Sunbury, OH 43074

19 Dee and Randy Lee, 1471 3 B's and K Road, Galena, OH 43021

20 Craig Williams, P.O. Box 10, Ostrander, OH 43061

21 Chris Richards, 7290 Concord Bend, Powell, OH 43065

22 Kevin Lehman, 2430 Bay Harbor, Galena, OH 43021

23 Tom Moore, 495 S. 3 B's and K Road, Galena, OH 43021

24  
25 Mr. Sedlacek read the adopted policy statement as printed in the agenda for the meeting.

26  
27 **APPROVAL OF MINUTES**

28 Jim Hahn made a motion to approve the minutes from the May 13, 2008 BZC meeting, as  
29 presented. Mr. LeBlanc seconded the motion. All in favor say, "aye," all opposed same  
30 sign. No opposition, motion carried.

31  
32 **AGENDA ITEM – MODIFICATION OF BZC 95-002**

33 **GOLDEN GIANT, INC.**

34 **APPLICATION FOR A MODIFICATION OF AN APPROVED ZONING PLAN**  
35 **AT 5530 COLUMBUS PIKE, LEWIS CENTER, OHIO FOR AN ADDITION TO**  
36 **THE EXISTING OFFICE, A CLIMATE CONTROLLED STORAGE UNIT, AND**  
37 **A NEW STORAGE UNIT.**

38  
39 **Proof of Publication**

40 Zoning Clerk Lisa Knapp provided proof of publication for the legal notice for this  
41 hearing, which was published in the May 29, 2008 Delaware Gazette, providing  
42 notification of the meeting date and time and items for discussion.

43  
44 **Legal Notice**

45  
46 **BERLIN TOWNSHIP ZONING COMMISSION**

47 **NOTICE OF PUBLIC HEARING**

48 The Berlin Township Zoning Commission will hold a public hearing on June 12, 2008 at  
49 7:00 p.m. at the Berlin Township House located at 3271 Cheshire Road, Delaware, Ohio  
50 43015 in order to consider an application, designated as Case Number 95-002,  
51 amendment #4, filed by Golden Giant, Inc. P.O. Box 389, Kenton, OH 43326 for a  
52 modification of approved zoning plan known as Parcel #41833001076001, 5530  
53 Columbus Pike, Lewis Center, OH for addition to existing office, climate controlled  
54 storage unit, and new storage unit. In addition, an application designated as Case Number  
55 08-005. It was filed by John R. Stambaugh, 1701 Hogback Road, Sunbury, OH 43074 to  
56 rezone 5.372 ± acres known as Parcel #41814001061000, 390 S. Three B's & K Road,  
57 Galena, OH from Farm Residential District (FR-1) to Planned Industrial District (PID)  
58 for an auto parts sales/distribution building and indoor and outdoor boat, rv and vehicle  
59 storage. The text of the proposed development plan for both will be available for public  
60 examination from May 29, 2008 through June 12, 2008, inclusive, Monday through

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61 Friday, from 8:00 a.m.-5:00 p.m. at the Berlin Township Zoning Office located at 3271  
62 Cheshire Road, Delaware, Ohio 43015. The person responsible for giving notice of the  
63 public hearing by publication is Cathy Rippel. After the conclusion of the public hearing,  
64 the matter will be submitted to the Berlin Township Board of Trustees for its action.  
65 Questions concerning this matter should be directed to the Zoning Office at 740-548-  
66 5217. Township residents are encouraged to attend.

67  
68 **BERLIN TOWNSHIP ZONING COMMISSION**  
69 Rick Sedlacek, Chairman

70  
71 Mr. Sedlacek noted that this hearing is not for a rezoning, but rather an amendment to a  
72 plan which had already been approved in the past.

73  
74 **List of Exhibits**

75 Original File Exhibits

- 76  
77 1. Application for modification of approved zoning plan, dated 05/19/08.  
78 2. Site Plan, (1-page), dated, 04/15/08, Final engineering plan, (2-pages), dated 04/04/08, *submitted*  
79 *with application dated 05/19/08.*  
80 3. Letter from Joey Osborn, Golden Giant Building Systems, to Berlin Township Zoning  
81 Commission Members, dated 05/17/08, *submitted with application dated 05/19/08.*  
82 4. List of surrounding property owners from the Delaware County Treasurer's office, Aerial view of  
83 parcel, dated 04/16/08, (2-pages), Public facilities within 1 mile of modification, (3-pages), no  
84 date, *submitted with application dated 05/19/08.*  
85 5. Berlin Township Zoning Resolution, revised date, 12/12/07 (59-pages), articles,  
86 1,2,3,4,5,6,18,21,22, & 23 pertaining to modification, *submitted with application dated 05/19/08.*  
87 6. Letter from Delaware General Health District, Michael Rogich, R.S. dated, 05/15/08 to Mr. Joey  
88 Osborn, Letter from Berlin Township Fire Chief, William Bechstein, dated 05/15/08, Copy of  
89 general DESC permit, dated, 04/07/08, Letter from Delaware County Engineer, Kirt Simmons,  
90 dated, 05/14/08, (total of 4-pages), *submitted with application dated 05/19/08.*  
91 7. Office space addition, dated, 11/28/07, elevations for new office space addition, dated, 02/19/08,  
92 picture of lighting from night to day for new office addition, dated 05/18/08 and 8 ½ x 11 color  
93 picture of inside of office space addition (no date), *submitted with application dated 05/19/08.*  
94 8. Building #7 elevations, (2-pages) A-1, dated 01/24/08, S1, dated 01/23/08, *submitted with*  
95 *application dated 05/19/08.*  
96 9. Building #8, (controlled environment building), elevations, and interior design (3-pages) A1, dated  
97 02/26/08, S-2, dated, 01/24/08, S1, dated, 09/26/07 *submitted with application dated 05/19/08.*  
98 10. Landscape design & plant description (2-pages) no date, *submitted with application dated*  
99 *05/19/08.*  
100 11. Sign dimension, placement of sign, color picture of sign with landscaping, signage on new office  
101 addition, color landscaping, (5-pages), no date, *submitted with application dated 05/19/08.*  
102 12. Legal description of parcel, (1-page), no date, *submitted with application dated 05/19/08.*  
103 13. Access control description, (1-page), no date, *submitted with application dated 05/19/08.*  
104 14. Proof of request via email in the *Delaware Gazette* dated 05/22/08.  
105 15. Certified mail receipts dated 05/28/08 along with landowner letter dated 05/29/08.  
106 16. Notice of Hearing to the applicant dated 05/29/08.  
107 17. Proof of publication in *Delaware Gazette* dated 5/29/08.

108  
109 **Applicant Presentation/Commission Comments and Questions**

110 Joey Osborne, with Golden Giant Building Systems, 13300 S. Vision Drive, Kenton, OH  
111 43326, and Dominick Mangone, with the Century Group, 4801 W. Hillsboro Blvd.,  
112 Coconut Creek, FL, 33073 presented the application and answered questions from the  
113 Commission.

114  
115 Mr. Osborne said the property is located at 5530 Columbus Pike. The office currently is  
116 a modular-type unit, and the applicant would like to make it more commercial,  
117 redesigned with stone, stucco, glass, etc. A 40' by 150' cold storage, unheated building  
118 will be added, as well as a 100' by 150' climate-controlled storage building, which will  
119 be kept at a temperature between 50'-85 degrees Fahrenheit.

120  
121 Mr. Osborne said the property was already approved as a mini-storage facility, and the  
122 major changes planned would be adding to the office, and having one larger building  
123 instead of two smaller buildings. He displayed an exhibit board of the site for those  
124 attending.

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126 Mr. Sedlacek asked if Mr. Osborne was the property owner. Mr. Osborne said he was not  
127 and Mr. Mangone is the owner. Mr. Sedlacek asked if Mr. Osborne was representing Mr.  
128 Mangone, because Mr. Osborne was building the facility for Dominick. Mr. Osborne said  
129 that was correct. Mr. Mangone said his company is in the process of purchasing this  
130 property, and the changes to the property are being requested so it will work for his  
131 company

132

133 Mr. Mangone said his plans are to modernize the property, including adding security  
134 features, fencing, security lighting, security gates, etc. The facility is very dark at night  
135 so these updates will help make the property safer for customers who use the facility at  
136 night. Mr. Sedlacek asked if there was a contingency to purchase the property pending  
137 the approval of this modification. Mr. Mangone said that was correct.

138

139 Mr. Sedlacek asked that in the future applications include tabs for ease of review. He  
140 asked the applicant to review the application.

141

142 Mr. Osborne said most of the site work has already been done, during the original  
143 development of the property, when the pads were put in. He said there would not be a lot  
144 of dirt-moving, etc. and some gravel may be brought in to compact the areas where the  
145 additions will be built. The office space is 14' by 35' and will have higher-end finishing  
146 inside, including a ceramic tile floor, higher-end grid ceiling and lighting fixtures, and the  
147 countertops will be granite.

148

149 Mr. Osborne said that the new storage building will match what is there currently,  
150 including the roof colors, wall panel colors, etc. The larger building will be climate-  
151 controlled so there will be more units in there.

152

153 Mr. Sedlacek said the original rezoning was approved for 2 additional buildings which  
154 were 40' by 150'. Mr. Osborne agreed, and pointed out on the exhibit where the  
155 additional two buildings would have been built. Instead of building two more buildings  
156 with asphalt in-between, only one larger building is being built. Mr. Sedlacek asked if  
157 the square footage was changed from the approved plan. Mr. Osborne said the square-  
158 footage of the impenetrable surfaces hasn't changed, but the square-footage of the  
159 building has been increased by 3000 SF.

160

161 Mr. Sedlacek said that Exhibit 5 includes a copy of the zoning resolution with the  
162 applicant's responses where necessary. He asked the applicant to review the plan and the  
163 applicant's responses to the zoning resolution.

164

165 Mr. Osborne reviewed Section 18.06 of the zoning resolution. He indicated the 40' by  
166 150' building which had already been approved and built. The applicant requests one  
167 additional building instead the two additional buildings approved in the plan. Asphalt  
168 would be located between the buildings and around its perimeter. He pointed out the  
169 existing office. No additional parking would be added at this time because customers  
170 come in and out, and there are generally no more than two customers on site at any time.

171

172 Mr. Osborne said that regarding drainage, the pond on the west side needs to be cleaned  
173 out, per the Berlin Township Fire Chief, and at that time it will be re-contoured and  
174 increased in size for greater volume. A headwall will be put in as well to allow the flow  
175 to come out slower for more control. He has received a D. E. S. C. desk permit from the  
176 Delaware County Bureau of Soil and Water Management; it has already reviewed and  
177 approved the drainage plan for the property.

178

179 Mr. Sedlacek asked how many buildings were on the site currently, and how many were  
180 approved in the original rezoning. Mr. Osborne said there were currently 8, including the  
181 office, and 11 buildings were approved during the original rezoning, and now there will  
182 be only 10.

183

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184 Mr. Sedlacek asked if the larger building would be twice as large as the two smaller  
185 buildings it replaces. Mr. Mangone said it was not quite twice as large, but it will add  
186 3000 SF more. The original combined square footage for the two buildings was 12,000  
187 SF, and the proposed square-footage is 15,000. Mr. Sedlacek asked why the applicant  
188 requires one larger building instead of two smaller buildings. Mr. Mangone said that the  
189 larger building is necessary because it will be climate-controlled, which requires the  
190 ability to enter the building and have buildings throughout, for storage only.

191

192 Mr. Sedlacek asked what the difference was, and what types of items would be stored in  
193 the building. Mr. Mangone said that items similar to those currently stored in the  
194 building would be stored there, but some clients have sensitive materials which need to  
195 be protected from the heat, cold, and moisture, such as files, etc. He added that the  
196 newer-generation storage facilities are climate-controlled.

197

198 Mr. Hahn said in the letter included in the application from the Fire Chief, no indication  
199 was provided that there were adequate turning radii for fire department, etc. to get down  
200 between all the buildings to provide fire protection.

201

202 Mr. Osborne said he met with the Fire Chief, who told him that as long as perimeter  
203 access was provided, he would never put a fire truck in-between those buildings in the  
204 small aisle ways, as it would be too dangerous. He asked for perimeter access only. Mr.  
205 Hahn asked that the information be included in a revised letter from the Fire Chief.

206

207 Mr. Hahn said that fire hydrants were not indicated on the plans, or they were not  
208 marked. Mr. Osborne said there is one at the pond, and the Fire Chief had expressed  
209 concern that weeds had grown up around it, and there is another one located at the front  
210 of the property along Route 23. Mr. Sedlacek said the letter from the Fire Chief was  
211 vague, and it did not specify a date as to when the pond was to be cleaned out. He asked  
212 if a schedule had been set for that yet. Mr. Mangone said that would be one of the first  
213 things which is done.

214

215 The Commission requested that the Fire Chief letter be modified to indicate that there is  
216 sufficient fire hydrant coverage, and sufficient access to the buildings using perimeter-  
217 only fire equipment.

218

219 Mr. LeBlanc said that on the top right corner of the vicinity map, Exhibit 2, "Shannon  
220 Road," should be corrected to "Shanahan Road."

221

222 Mr. Valentine asked about the fencing. Mr. Mangone pointed it on the plan. The  
223 existing security fence will remain. Mr. Sedlacek observed a 10' landscape strip on the  
224 plan, which did not seem to be indicated in the plan. Mr. Osborne said there is existing  
225 landscaping along the north edge of the property line, including trees, and no additional  
226 landscaping would be added to that area.

227

228 Mr. LeBlanc asked what the business hours would be for the facility. Mr. Mangone said  
229 that the office hours would be 9:00 AM – 6:00 PM, and client access to the facility would  
230 be available 24 hours per day. The gate would be coded for access by clients, and there  
231 would also be a Knox switch for emergency services access.

232

233 Mr. Osborne said that the office is set back at 90', and 80' is required. Section 21.02 of  
234 the plan indicates that the tallest building would be less than 15' in height. Lot coverage  
235 would be 54.75%, which is less than the permitted maximum of 75%.

236

237 Mr. Osborne said lighting would be added to the development, and he displayed a night  
238 view. The lighting would be a shielded wall pack which projects down, not out, and they  
239 would be no higher than 9' in height on the wall. The neighboring properties would not  
240 be illuminated. Mr. Sedlacek said the plan seems to have many lights, and he asked how  
241 many there would be. Mr. Osborne said that along the 150' long building there would be  
242 3 wall pack lights.

243

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244 Mr. Sedlacek said that Section 21.03 of the zoning resolution, the first line indicates that  
245 a variance is being requested for structure separation to maintain present aesthetics.  
246 However, the Commission does not grant variances, only divergences. He asked that it  
247 be modified in the text. He said the text indicates a request for a structure separation of  
248 15', and he asked if that was the existing distance between units. Mr. Osborne said it  
249 would actually be 10' from the south end wall of the existing 2 mini-storage buildings to  
250 the new building. The Fire Chief does not object to this. Mr. Mangone noted that the  
251 original site plan for the property included 10' separation between structures.  
252

253 Mr. Osborne said that Section 18.07 j. 1. indicates that flammables are not permitted to  
254 be stored in the facility. Mr. Hahn asked if that was policed. Mr. Osborne said that the  
255 client contract states that no flammable or combustible materials can be stored on the  
256 property. Managers do take a look during regular business hours when clients are  
257 moving their items in, but this doesn't occur after hours. Mr. Hahn asked if sniffers were  
258 used to verify that there are no flammables. Mr. Mangone said they were not. Mr.  
259 Sedlacek asked if vehicles would be stored in the facility. Mr. Mangone said that few  
260 cars are stored except perhaps classic cars, and the facility requests that gas tanks are  
261 drained prior to storage.  
262

263 Mr. Osborne said Section 18.07 2, 3, 5, 6, 7, and 8 do not apply to this application.  
264 Regarding item 18.07 j. 1., Dust and Erosion, the plans indicate that the site will have  
265 asphalt and concrete. He said that this type of facility is very quiet.  
266

267 Mr. Osborne said that Section 21.01 states that no additional parking will be added at this  
268 time. Mr. Armstrong said the parking is sufficient for the use, especially given that it will  
269 be in-and-out traffic.  
270

271 Mr. Osborne said that Section 21.04 of the plan indicates that no additional plumbing  
272 would be added at this time. Section 21.05 indicates that the set back requirements have  
273 been met. Section 21.06 of the plan indicates that the drainage plan has been approved  
274 by the county and a permit obtained.  
275

276 Mr. Osborne said that Section 21.08 does not apply to this application. For Section  
277 21.09, Driveway Regulations, no changes are being made to the driveways from the  
278 approved plan. Regarding Section 21.10, there will be no structures in the right-of-way.  
279 For Section 21.11, Construction Debris or Refuse, a dumpster will be maintained on site  
280 during construction to be removed immediately after construction is completed. Mr.  
281 LeBlanc asked if a dumpster would be provided after construction is completed. Mr.  
282 Mangone said dumpsters are not provided for customers to dump on site, and the facility  
283 will have trash facilities for employee use only. Mr. Sedlacek asked if the construction  
284 dumpster would be made of steel. Mr. Osborne said, "Yes."  
285

286 Mr. Osborne said that Sections 21.12, 21.15, and 21.16 do not apply to this application.  
287 Regarding Section 21.13, Lighting Regulations, wall packs were discussed earlier in this  
288 hearing.  
289

290 Mr. Hahn asked if the leach fields would be blocked off during construction, as the  
291 construction seems to be adjacent to the leach fields. The letter from the Delaware  
292 County Health District expressed concerns about this. Mr. Osborne said the leach fields  
293 would be barricaded/roped off during construction, and there will be no equipment over  
294 the leach fields. Mr. Hahn said it was not noted in the application and he requested that it  
295 be added.  
296

297 Mr. Mangone said that the applicant would be adding a monument sign per the zoning  
298 resolution. Mr. Sedlacek said it was not indicated on the site plan. Mr. Osborne pointed  
299 it out on the site plan for the Commission. Mr. Sedlacek requested that the sign's  
300 location and dimensions be labeled on the site plan.  
301

302 Mr. Mangone said that a monument sign on the right side of the driveway would be  
303 added which meets the zoning resolution's requirements for size and setback, with a new

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304 landscape berm around it which will match the landscaped berm on the other side of the  
305 entry from U. S. Route 23.

306

307 Mr. Sedlacek said the indicated 23' setback of the sign from road right-of-way met the  
308 zoning resolution's requirements for the size of the sign. Mr. Armstrong said that was  
309 correct. Mr. Sedlacek asked if the dimensions for the building signage met the zoning  
310 resolution's requirements. Mr. Armstrong said they met the requirements, which are  
311 based on the length of the building's frontage on U. S. Route 23.

312

313 Mr. Hahn asked if the third page of the plans is intended to show the water flow. The  
314 EPA letter also expressed concerns about creating more surface water flow to the septic  
315 system. He was concerned about water flowing off this property onto adjacent  
316 properties. Mr. Mangone said that a headwall and drainage structure are being added to  
317 slow down the outflow of water from the property, which will help produce better water  
318 quality going off-site than currently exists for the property.

319

320 Mr. Hahn asked if the arrows on the plans are indicative of water flow. Mr. Mangone  
321 said that was correct.

322

323 Mr. Sedlacek said that in the lighting section there is a picture of the lights. He asked  
324 what the picture two pages before that was of. Mr. Mangone said that is a photo of  
325 existing offices at another location in Florida, provided to give an idea of what the new  
326 office will look like. Mr. Sedlacek said it appeared to be larger than the 14' by 35'  
327 dimension for the office provided in this application. Mr. Mangone said it was a photo of  
328 a larger office, but the layout and amenities will be very similar,

329

330

**Public Comments**

331 Tom Moore, 495 South 3 B's and K Road, Galena, said that recently there was a fire at a  
332 storage unit facility in Delaware, and it took hours to resolve. He asked if fire trucks  
333 could access the applicant's site.

334

335 Mr. Sedlacek said that the applicant stated that the Fire Chief told them that perimeter  
336 access only is necessary, and the Commission has requested that the letter from the Chief  
337 be modified to include some additional verbiage so it is clear what needs to be done by  
338 the applicant. Mr. Sedlacek said there must be different specifications for residential  
339 buildings, because the fire department would never allow residences to be that close  
340 together without being able to drive through.

341

342 Mr. Sedlacek asked for more information about the security system. Mr. Mangone said it  
343 would be a gate access system where clients would enter their code and then gain access  
344 to the property. A code would also be needed to leave the party.

345

346 Chris Richards, 7290 Concord Bend, Powell, OH 43065, with Golden Giant Building  
347 Systems, said that video cameras will also be mounted on the property, which will be  
348 very helpful for security. He said it is rare that cars are stored within climate controlled  
349 facilities, and the facilities are typically used to store documents from law offices and  
350 government agencies, furniture, and other items for which humidity would be  
351 detrimental. Landscaping or painting companies would not be interested in this facility  
352 either. The building that caught on fire in Delaware was a completely different type of  
353 facility. He noted that fire walls at that facility stopped the fire from spreading to other  
354 buildings. Mr. Mangone said that the buildings have fire walls.

355

356 Mr. LeBlanc asked if the facility has insurance available for its client's property. Mr.  
357 Mangone said that clients can take out an optional insurance policy for their property.  
358 The facility has insurance on its own property. Mr. Richards said it is rare in the storage  
359 industry to provide the optional client property policy.

360

361 There was a brief recess for the applicant, the Clerk and the Chairman to compile a list of  
362 modifications to the plan.

363

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364 The hearing was brought back to order at 7:58 PM.

365

366 Mr. Sedlacek said that the legal copy of the application has been modified to include the  
367 list of modifications, and the changes have been initialed by the Chairperson and Mr.  
368 Mangone. He noted that Mr. Armstrong has requested that a notation be made to the site  
369 plan specifying that only one rental truck may be on display in front of the facility. If the  
370 application is approved, Mr. Mangone will submit a revised site plan to include the  
371 modifications, and the letter from the Fire Chief as requested.

372

373

**List of Modifications to the Application**

374 Mr. Sedlacek reviewed the list of modifications to the application:

375

376 1) Provide an additional letter from the fire chief, specifying that:

377

➤ There are sufficient fire hydrants.

378

➤ There is sufficient access to the site using perimeter-only fire equipment.

379

380 2) On the top right corner of the vicinity map, replace, "Shannon Road" with "Shanahan  
381 Road. "

382

383 3) Under page 21.03 structure separation, replace, "variance," with "divergence."

384

385 4) On the site plan, indicate that leach fields are to be barricaded during construction.

386

387 5) On the site plan indicate and label the ground sign with dimensions.

388

389 6) A maximum of one rental truck shall be allowed in front of the gates per zoning  
390 resolution requirements

391

392

**Resolution BZC 08-06-12-01 - Approve Modification of  
BZC 95-002, with Modifications As Documented**

393

394 Mr. Sedlacek made a motion to approve a modification of approved zoning plan BZC 95-  
395 002, the version of the application to consist of those materials compiled by the applicant  
396 in hard copy booklet form and dated 5/19/08, complete with the six modifications to the  
397 application documented by the Clerk at this hearing. Mr. LeBlanc seconded the motion.  
398 Vote: Sedlacek, yes; LeBlanc, yes; Valentine, yes; Yorke, yes; Hahn, yes. Motion  
399 carried, BZC 95-002 modified.

400

401 Mr. Sedlacek said he looked forward to the facility being a good citizen of Berlin  
402 Township and working with the zoning inspector on any future issues.

403

404

**Miscellaneous**

405 Mr. Hahn said the BZC is considering holding a public meeting to address the zoning  
406 resolution as it applies to businesses. All business property owners in the township  
407 would be invited to share their views on the zoning resolution and how it impacts their  
408 businesses, and also any suggestions they may have to make it more business-friendly,  
409 for Commission consideration. He asked if the applicant would be interested in such a  
410 meeting.

411

412 Mr. Richards said property owners would be interested, as well as people like him who  
413 are in the design-build business and have clients driving through the area to ask questions  
414 and make comments. Also, Realtors who specialize in business transactions obtain many  
415 comments from potential clients, and that could provide useful information as well.

416

417 Mr. Moore said that he is in the sign business, and the township may wish to invite  
418 people from industries such as his which have to deal with the zoning resolution issues.  
419 Mr. Hahn suggested that any non-business owners in the township who wish to be  
420 notified of the meeting give their information to the zoning office.

421

422 Mr. Sedlacek said if the meeting was held in the future, business owners would be  
423 notified of the hearing via letter.

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**AGENDA ITEM – BZC 08-005 JOHN R. STAMBAUGH,  
APPLICATION FOR STEP 1 REZONING OF 5.372+ ACRES AT 389 S. THREE  
B’S AND K ROAD FROM FR-1 TO PID FOR AN AUTO PARTS  
SALES/DISTRIBUTION BUILDING AND INDOOR AND OUTDOOR BOAT, RV  
AND VEHICLE STORAGE**

**List of Exhibits**

Original File Exhibits

- Exhibit 1 Application to amend Berlin Township Zoning Text dated 05/20/08.
- Exhibit 2 Preliminary development text- Phase 1, (10-pages) *submitted with application dated 05/20/08.*
- Exhibit 3 Preliminary Site plan dated, 05/14/08, revision date of 05/19/08, (page-1), Preliminary landscape plan, dated, 05/19/08, (page-2), *submitted with application dated 05/20/08.*
- Exhibit 4 Elevations of proposed building, dated, 05/14/08, revision date of 05/19/08, (page-3), floor plan, dated 05/14/08, revision date of 05/19/08, (page-4), *submitted with application dated 05/20/08.*
- Exhibit 5 Color picture of proposed parcel, (no date), plat plan, (no date), legal description, dated 02/24/1994, (total of 3-pages), *submitted with application dated 05/20/08.*
- Exhibit 6 Monumental sign elevation, dated 05/19/08, (1-page), *submitted with application dated 05/20/08.*
- Exhibit 7 Letter from Delaware County Engineer, Erik Mackling, dated, 05/19/08, Letter from Shane Clark, Del-Co Water., Inc. dated 05/15/08, Letter from William Bechstein, Berlin Township Fire Department, dated 05/16/08, Letter from Christian Hunt, Columbia Gas of Ohio, (2-pages) dated 03/28/08, Letter from Delaware General Health District, Michael Rogich, dated 02/12/08, Letter from Jack Smelker, Delaware County Environmental Services, (2-pages), dated 02/12/08, (total of 8-pages), *submitted with application dated 05/20/08.*
- Exhibit 8 List of surrounding property owners from the Delaware County Treasurer’s office, dated 03/17/08, (2-pages), ariel view of parcel, dated 04/17/08, (2-pages), ariel view of public facilities within 1 mile of proposed parcel, (1-page), dated 03/17, *submitted with application dated 05/20/08.*
- Exhibit 9 Color picture of a view of typical phase 2 construction mini storage and rental storage buildings, no date, color picture of a view of typical phase 2 construction RV and Boat rental storage buildings, no date, (total of 2-pages), *submitted with application dated 05/20/08.*
- Exhibit 10 Request pf publication via email in the *Delaware Gazette*, dated, 05/22/08.
- Exhibit 11 Certified mail receipts, dated, 5/28/08 along with landowner letter dated, 05/29/08.
- Exhibit 12 Notice of Hearing to the applicant, dated, 5/29/08.
- Exhibit 13 DCRPC minutes, dated, 5/29/08.
- Exhibit 14 Proof of publication in *Delaware Gazette*, dated, 05/29/08.

**Applicant Presentation/Commission Comments and Questions**

Craig Williams, P.O. Box 10, Ostrander, OH 43061, and Rob Stambaugh, 1701 Hogback Rd., Sunbury, OH 43074, presented the application and answered questions from the Commission.

Mr. Williams thanked Mr. Ray for all of his help with the zoning requirements.

Mr. Williams said that Mr. Stambaugh currently operates a business at another location which is similar to Jeg’s Automotive. His business is smaller than that business, and it does specialized chassis, chassis parts, wheels, axles, etc. for special race cars. He said this property is the only five-acre lot in the area which is adjacent to many commercial

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484 properties and it is close to U.S. Routes 36/37. It is time to develop the property to match  
485 what has already been developed in the neighborhood.

486

487 Mr. Williams said that for Phase 1 of the project, the applicant provided pre-engineered  
488 proposals from two companies for a 12,500 SF facility. This type of building is designed  
489 to meet the Ohio Building Code, and he met with the Fire Marshall and the Fire Chief  
490 and he learned that a maximum of a 12,000 SF building is permitted in the S-1 use group,  
491 without a sprinkler system, and he reviewed uses in that category. An S-2 use group  
492 building can be larger, but motor vehicles are not allowed in that category of building.

493

494 Mr. Williams said that he then reduced the size of the building in Phase 1 to 12,000 SF,  
495 and then priced it. When the price was realized for a facility of that size, the facility was  
496 further reduced in size to 80' by 100', 8,000 SF, which is indicated in the drawing on  
497 Exhibit 3. However, the applicant would like to have approval to increase the size of the  
498 building to a maximum of 12,000 SF in the future. He provided a larger copy of Exhibit  
499 3, which indicated the building's size and the future expansion.

500

501 Mr. Williams said that the Fire Marshall and Fire Chief reviewed the revised plans, and a  
502 letter was provided stating that the Chief had reviewed the plan and that it meets his  
503 department's requirements, including clearance for emergency access vehicles. There is  
504 a minimum of 25' between any buildings and/or fences. A second emergency access  
505 currently exists on the south side. The building would look very nice, and the front  
506 would face the street. The plan meets the township's screening and signage  
507 requirements, and the nicest part of the project would be up near the street.

508

509 Mr. Williams said that the rear portion of the property would be Phase 2 and  
510 encompasses two types of buildings, with a total of four different buildings. Boats and  
511 RVs are expensive and should be stored inside for protection. Buildings A-1 and A-2  
512 would be 50' by 164' for the storage of vehicles, and doors may be put on both sides. He  
513 said Mr. Stambaugh would like to start one building first and see how it works out and  
514 whether it rents for the right price, and then possibly continue building. Buildings B-1  
515 and B-2 would be mini-storage buildings and would be 20' by 160', which is a size  
516 similar to other mini-storage facilities. In addition to the structures, there would be 28  
517 outside storage spaces measuring 12' by 40'.

518

519 Mr. Sedlacek asked where the Performance Parts Outlet business is being conducted now.  
520 Mr. Stambaugh said it was on U.S. Route 37 in Berkshire Township. Mr. Sedlacek said  
521 there is a house currently on the property, approximately where the Phase 1 building is  
522 indicated. Mr. Williams indicated on the plan where it is located, and the plan indicates  
523 the specifics of when the house would be torn down. It is currently being used as a  
524 rental.

525

526 Mr. Williams said the property is located along 3 B's and K Road, about 2000' south of  
527 U.S. Routes 36/37. There is an existing road Four Winds Drive which is planned to be  
528 extended south of the applicant's property in the future as a main thoroughfare to tie back  
529 into 3 B's and K Road in some manner. Mr. LeBlanc said it is his understand that Four  
530 Winds Drive will eventually come out at Sherman Road at 3 B's and K Road.

531

532 Mr. Williams said the front building in Phase is more upscale than currently exists in the  
533 area. It would be an S-1 building with an office and an area to run the mail-order  
534 business; there would also be a location to warehouse/store parts, and a place to work on  
535 chassis, etc.

536

537 Mr. Williams said that the plan is a preliminary development plan; the applicant would  
538 like to obtain zoning on this property before the engineering, etc. is done and is thus  
539 going through the 2-step zoning process. This project would be rezoned to the Planned  
540 Industrial District because of the auto parts, but it would run similar to a business in the  
541 Planned Commercial District.

542

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543 Mr. Williams said that page 2 of the plan indicates that the proposed facility in Phase 1  
544 would be 8,000 SF with potential expansion to 12,000 SF in the future. Regarding utility  
545 provisions and current drainage, this is a very high site, and on its south side there is a  
546 ravine indicated. During its review, the Delaware County Regional Planning  
547 Commission (DCPRC) asked that the applicant not build in the ravine, and he has  
548 committed to not doing that. There is a high knoll in the middle of the property which  
549 needs to be graded to meet the requirements of fire department access, water flow,  
550 drainage, retention/detention of stormwater flow, etc. and some of the edges will need to  
551 be filled. Anything near the ravine that is disturbed during the development of the  
552 property will be restored to its prior state or better.

553

554 Mr. Sedlacek asked if many trees would need to be removed. Mr. Williams said there is  
555 an aerial photograph in the application which indicates there are not very many trees on  
556 the property. Mr. Sedlacek asked what the small white objects were indicated on Exhibit  
557 5 in the aerial view. Mr. Williams said the property was being used for storage of  
558 equipment in the past and many items were scrapped. Nothing can be seen from the road,  
559 and much of it has been taken out. He noted that the aerial photograph was taken several  
560 years ago.

561

562 Mr. Sedlacek asked if the items were personal or business items. Mr. Stambaugh said  
563 that it was property owned by him and his father. His father does construction work, and  
564 there are 3-4 construction trailers, heavy equipment, some backup trucks for towing, etc.  
565 stored on the property. All the property belongs to either him or his father. Mr. Williams  
566 said that the applicant will remove all these items except for one construction trailer, a  
567 dozer, and a few other items to be used for the project. Mr. Sedlacek asked if the items  
568 would be stored inside or outside. Mr. Stambaugh said it would only be used during the  
569 construction of the property and then it would be cleared out.

570

571 Mr. Williams said that there are three phases: Phase 1 is the building for the Performance  
572 Parts Outlet, and Phase 2 includes is Buildings A-1, A-2, and B-1 and B-2, and there will  
573 be no room for anything else on the property. The only equipment which would remain  
574 on the property would be used for this work and it would be stored in the location which  
575 continues to be vacant until it is built out. The applicant does not intend to leave the  
576 items on the property or rent it out for that purpose.

577

578 Mr. Sedlacek said he was concerned about any junk on the property ruining the aesthetics  
579 of the property. Mr. Stambaugh assured him that the property would be kept clean.

580

581 Mr. Williams said that there are some trees on the south of the property but not very  
582 many, and they will not be removed. A pond does need to be built for storm water  
583 retention. Ms. Yorke asked where the pond for Phase 1 would be located. Mr. Williams  
584 said that the storm water for a building with about 30,000 SF of asphalt or roof with drain  
585 spouts and gutters, or asphalt must be retained in an area of about 10,000 SF. Phase 1 has  
586 an asphalt parking lot which is 12,900 SF, so the simplest and best way would be to use  
587 the asphalt parking lot for wastewater retention. The lot slopes to the catch basins and a  
588 maximum depth of 12" of water is permitted in the middle. The cars will not be parked  
589 in the middle, and there would be a maximum of 6" under the rear of the car and 4" at the  
590 front.

591

592 Mr. Sedlacek asked where the water would go. Mr. Williams said that water would go to  
593 Alum Creek, which is about a mile away. The applicant will be required to install a  
594 baffleplate there so only a small amount of water can go through and it doesn't run in all  
595 at once. He explained the drainage in detail. Mr. Sedlacek asked how the water would be  
596 held on the parking lot, and whether that was desirable because vehicles will be entering  
597 and exiting the parking lot. Mr. Williams responded that that type of situation doesn't  
598 happen often, and this type of retention is commonly used and is a good engineering  
599 standard. One-hundred-year floods occur only every 15-20 years, he stated.

600

601 Ms. Yorke said that the Ohio EPA has new construction requirements for any projects  
602 which disturb more than one acre of land, and it appears that the development's plan will

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603 disturb more than one acre. Thus, when the engineering is done for the final  
604 development plan, she would expect to see more information on how this regulation will  
605 be complied with.

606

607 Mr. Williams said that page 3 of 10 indicates that due to the small nature of this  
608 development, and the future relocation of 3 B's and K Road access at U.S. Route 23 at  
609 Four Winds Drive, the Delaware County Engineer does not require a traffic study. A  
610 letter to this effect was written on June 5, 2008, by Erik Mackling, and was faxed and  
611 emailed to Mr. Armstrong. Mr. Armstrong noted that the letter came from the county  
612 engineer was received by the township after this application was submitted, and after it  
613 was reviewed by the DCRPC. The letter was added to the application as Exhibit 15.

614

615 Mr. Williams said that page 3 of 10, item 10. indicates that the Chief has reviewed this  
616 plan and has provided comments which will be addressed during step 2 of the zoning  
617 process. Included in this application is a letter from the Chief stating that his department  
618 can provide fire protection for this property.

619

620 Mr. Hahn asked if there would be fire department access through the locked gate when it  
621 is built. Mr. Williams said that a Knox Box would be provided for fire department  
622 access.

623

624 Mr. Williams said that page 4 of 10 of the plan indicates that all setback requirements  
625 will be met. From the centerline of the road to the front of the building would be 125' or  
626 less, and 49' of parking will be built, measured from the front of the building. The  
627 zoning resolution allows up to 40% of the setback to be used for parking, which would be  
628 50', to the applicant meets this requirements.

629

630 Mr. Williams said a 15' screen would be provided, and a preliminary drawing of the  
631 monument sign is indicated, with the wording, "Performance Parts Outlet," and his  
632 father's business, "Alum Creek Stop 1 Home Storage." The plantings are indicated in the  
633 landscaping plan, and the building will be 25' in height, which meets the zoning  
634 resolution requirements. There will be no antennas or cell towers installed for others,  
635 although an antenna may be installed for the shop and will meet the requirements of the  
636 zoning resolution. .

637

638 Mr. Williams said the development would meet the maximum area of property coverage  
639 at only 22%, while the zoning resolution allows a maximum of 75%. The regulations for  
640 off-street parking have been met. The site lighting has been addressed, and the text states  
641 that the plan meets Section 10 Performance Standards. The lights will be shoe-box style  
642 down lighting.

643

644 Mr. Williams said page 8 of 10 indicates all the allowed uses for the property. Handicap  
645 parking spaces have been indicated on the plan as well. Twenty total parking spaces are  
646 required, and 23 are being provided. Page 9 of 10 discussed security and site lighting,  
647 and the site will have typical lighting for this type of use, including full-shielded outdoor  
648 type fixtures to light the parking lots, and no light pole will be higher than 30.

649

650 Mr. Williams said that the landscaping buffer is indicated in the plan, and most of the  
651 properties around this property are commercially used. The parking lot will be screened  
652 from the house across the street. There will be two rows of 5' tall evergreen trees in the  
653 buffer, with some openings to provide security. He said the building will look nice.

654

655 Mr. Valentine commented that on page 2 of ten, first paragraph, third line from the  
656 bottom, "competed" should be replaced with "completed. This correction also needs to  
657 be made on page 4, first paragraph, second to last sentence.

658

659 Mr. Valentine was concerned about the list of permitted uses, including auto parts, etc.  
660 and said those uses may have a more-intense use than the applicant's proposed use, and  
661 he asked if the uses should be limited. Mr. Sedlacek said that the text only indicates that  
662 if the Commission grants approval of this application for PID, all those NAIC Code #

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663 Permitted Uses could reside on the property. Mr. Williams said that the zoning resolution  
664 requirements would need to be met for any other use.

665

666 Mr. LeBlanc asked when the RV and boat storage buildings would be built. Mr.  
667 Williams said this is a new experience for the applicant and he is not certain of the time  
668 frame. He anticipates that the Performance Parts Outlet building would be built first to  
669 grow the business, and then continue on with the rest of the plan. The RV and boat  
670 storage is indicated in the plans as Buildings A-1 and A-2, which would be 50' by 164',  
671 and each building will have 14 spaces for these uses. Mini-storage will be in Buildings  
672 B-1 and B-2, which will be 20' by 160' and used for storage. He suggested that the  
673 buildings to the rear, A-2 and B-2, be built first because there is a big demand for this  
674 type of storage at this time. Also, if there is open space left in the middle where the A-1  
675 and B-1 buildings are, a firewall could possibly be built at a 12,000 SF size and then  
676 another 12,000 SF building could be built back into that area.

677

678 Mr. LeBlanc cautioned the applicant to make sure that the buildings allow adequately for  
679 the dimensions of motor homes, RV, and boat storage so users don't have any problems  
680 getting in and out of the property or buildings. Mr. Hahn said that only allowing a 25'  
681 clearance between the two buildings will limit maneuverability for RVs or 5<sup>th</sup>-wheelers,  
682 and it would seem that 50' would be the minimum.

683

684 Ms. Yorko said that page 2 of 10, item B. 2. indicates that the building in Phase 1 will be  
685 8,000 SF, but the applicant mentioned a 12,000 SF building at this hearing. Mr. Williams  
686 said that he originally would like to build a 12,000 SF building but it was too expensive.  
687 However, he would like to have the option of expanding in the future.

688

689 Mr. Sedlacek asked specifically who the customers would be for the auto parts business,  
690 and for the storage business. Mr. Stambaugh said that the customers for the auto parts  
691 business would be people who own race cars. Mr. Sedlacek asked what percentage of  
692 that business would be mail-order versus walk-in business. Mr. Stambaugh said he was  
693 not certain at this point. He currently ships UPS daily, although it is not currently at a  
694 high volume. He has been limited by the size of his current property and has no room.  
695 Mr. Williams said that Mr. Stambaugh's graphics business has greatly expanded and that  
696 could increase the mail-order business in the future.

697

698 Mr. Stambaugh said that he would move from his existing facility to the new facility and  
699 hope that it grows, but he was not certain how much it will grow. His current workload  
700 requires only him and one employee, and he has done no internet sales at this point,  
701 although he plans to. Mr. Stambaugh said that there are only a few people who can do  
702 this type of work, and the closest racetrack is 60-70 miles away, so the business will not  
703 attract a lot of walk-in business. His field is primarily circuit track cars.

704

705 Mr. Sedlacek asked if the applicant anticipated that the business would not create a lot of  
706 noise. Mr. Stambaugh said he did not anticipate the business making much noise, unless  
707 a car that needed some type of repair pulled in, which would be during business hours  
708 only.

709

710 Mr. Sedlacek asked about the time frame to raze the existing house. Mr. Williams said  
711 he was not sure. Mr. Stambaugh said he was waiting on this approval and then will look  
712 at the numbers and make some business decisions, and then he could answer these  
713 questions more accurately.

714

715 Mr. Sedlacek asked if the property would have septic or sewer service. Mr. Williams  
716 said that the Delaware County department which handles sewer issues has informed him  
717 that sanitary sewer is too far away at this point, and the current septic system was  
718 installed recently. It was installed for a 3-bedroom home and showering facilities. He  
719 and his engineers analyzed it and the engineers said that the business will have only two  
720 restrooms, no shower, and no laundry, so the existing system should be adequate. It will  
721 use fewer gallons per day than a family living in the 3-bedroom home. The leaching  
722 system is in the front lawn, and the buffering will be west of that. In the future, sanitary

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723 sewer will reach the area and the applicant will probably be able to hook up, but that is  
724 not necessary at this time.

725

726

**Public Comment**

727 Tom Moore, 495 3 B's and K Road, said that Mr. Stambaugh has been a good neighbor.  
728 However, he was concerned about the other uses indicated in the plan. This is a PID and  
729 he wants to make sure that this plan is for this industrial use. If the property owner  
730 decides to change its use in the future, it is not know what other type of use could go on  
731 the property.

732

733 Mr. Moore said that he is a residence which is located catty-corner to this property, there  
734 is a resident located right across from the property, so all the areas properties are not PCD  
735 or PID. His home is very nice, he spends hours maintaining his property, and he doesn't  
736 want to have it ruined by commercial development. He is aware of property rights, but  
737 there are kids that live in this neighborhood and the cars and semi trucks that speed down  
738 the road at 50 MPH+ are dangerous. If 3 B's and K Road is relocated, that would help  
739 the situation.

740

741 Mr. Moore asked that the Commission restrict the use to only that being proposed in this  
742 application. Mr. Sedlacek said that any approval by the Commission during the  
743 preliminary and final steps, is only for that particular plan. The applicant has provided a  
744 list of other activities which fall under the PID zoning, but if the use of the property is  
745 changes, it would not need to be rezoned, but it would need to come before the  
746 Commission for a change of use, and he explained the process. The NAIC code numbers  
747 included in this plan specify what can be done on a PID property, provided that plan is  
748 approved by this Commission during a change of use request.

749

750 Mr. Sedlacek said that if the applicant requests a change of use in the future, the  
751 Commission would have difficulty denying the request if the plan met the requirements  
752 of the code. Mr. Hahn said that Mr. Moore will probably face more infringement on his  
753 home aesthetics from the property behind his home and on either side of it in Berkshire  
754 Township than this application. The township cannot force the relocation of 3 B's and K  
755 Road and must wait for developers to build it, and the current economic climate has not  
756 allowed that to occur yet.

757

758 Mr. Moore was concerned about whether the parts being sold would be used or new,  
759 about the dismantling of vehicles, vehicles and tires being left out on the property, etc.  
760 Mr. Sedlacek said he had the same concern, especially after viewing the aerial photo, and  
761 perhaps a note should be added which states that type of use would not be allowed. Mr.  
762 Stambaugh said that type of use would be more likely of a junkyard and he would not  
763 tear cars apart and leave stuff laying around the property.

764

765 Mr. Moore asked if the cars would be full-sized. Mr. Stambaugh said they were called  
766 stock cars, or dirt cars. Mr. Moore asked if the south side of the property would be  
767 screened, and said the existing residential neighbors should be protected. Mr. Sedlacek  
768 asked if cars being worked on would be located inside the 8000 SF Phase 1 building. Mr.  
769 Stambaugh said all work will be performed inside that building. He said Commission  
770 members were welcome to visit his current shop or he could provide a catalog of the parts  
771 he sells. The parts are not greasy, etc. and everything he does is tubular chassis. Mr.  
772 Sedlacek asked that a copy of the catalog be provided to the zoning office.

773

774 Mr. Moore was concerned about the entrance to the facility and he asked if the turning  
775 radius was sufficient to allow semi-truck delivery access. Mr. Stambaugh said there  
776 would be two accesses to the property, and they will be sufficient for what the business  
777 requires. The north access would be 22' wide. Mr. Sedlacek said the dimensions of the  
778 south drive were not indicated on the plan. Mr. Williams said the driveway current exists  
779 and is not being changed. He was not certain of the width of that driveway. Mr.  
780 Stambaugh said the driveway was cleaned up.

781

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782 Mr. Moore asked if the south side of the building could be screened with some trees. He  
783 asked where the lighting would be located. Mr. Williams said the lighting could be on  
784 poles, but they would be shoe-box style and would be downlighting, or it could be  
785 located on the building; he is not certain at this point. Mr. Sedlacek noted that the text  
786 states that the lighting will meet the requirements of the zoning resolution, and that it will  
787 be specified during final engineering. Mr. Moore asked if the access drives would be  
788 closed in the evening. Mr. Williams said that there may be a gate installed but he was not  
789 certain.

790  
791 Ms. Yorke said that on page 2 of 10, item B. 3., third line, the word "elevation" should be  
792 added after "topographical."

793  
794 Ms. Yorke said that on page 5 of 10, item 4., the maximum lot coverage is stated at 22%;  
795 however, this seems to be underestimated. Mr. Williams said the acreage is 234,000 SF,  
796 and adding together the buildings and asphalted areas only total coverage of 22%. He  
797 noted that the area to the rear is not paved and will be gravel. Ms. Yorke asked that the  
798 plan be modified to indicate the areas which will have gravel.

799  
800 Mr. Hahn noted that typically, the applicant provides in the rezoning package a sample of  
801 the model and type of lights which will be installed, and that should be provided during  
802 step two of the rezoning.

803  
804 The Clerk and asked if the Commission wished to modify the application to indicate that  
805 all work on vehicles will be conducted inside the building and that there will be no  
806 outdoor storage of parts associated with business will be conducted in Phase 1. Mr.  
807 Armstrong said this should be clarified. Mr. Williams said an area has been specified for  
808 outside parking of boats and RVs.

809  
810 There was a discussion about the outdoor storage of materials. Mr. Williams said that  
811 Mr. Stambaugh's father is a contractor who builds golf courses, etc. and he does have  
812 equipment he uses for construction, and it may be necessary to leave construction  
813 equipment on site until the project has been completed.

814  
815 Mr. Stambaugh asked if was documented that the outside storage of RVs, boats, and cars  
816 was permissible in this application. Mr. Hahn said the plan indicated a 12' by 40' lot for  
817 storage of those items. Mr. Stambaugh said he wasn't certain at what point of the  
818 development that use would be permitted. Mr. Williams said it seemed that use would be  
819 permitted immediately. Mr. Hahn said that was part of the plan and it would be  
820 determined by whenever the applicant is building. He said he hoped this storage would  
821 be orderly. Mr. Armstrong said that to ensure that use is included immediately, so there  
822 are no future questions, when the applicant comes back with his final engineering and  
823 development plans, that use should be included in the plans for Phase 1, including the  
824 dimension for the storage lot, etc.

825  
826 Mr. Moore asked if the outside storage could be fenced to block its view from the public.  
827 Mr. Williams said there is an existing fence. Mr. Moore asked if the fence would remain.  
828 Mr. Williams said it would. Mr. Sedlacek noted that it is a 6' privacy fence. Mr.  
829 Stambaugh noted that the fence would remain until construction is completed through  
830 Phase 1, and then a fence will be provided for the storage area behind the building.

831  
832 **List of Modifications to the Application**  
833 Mr. Sedlacek and the Clerk reviewed the list of modifications to BZC 08-005 as follows:

- 834  
835 1) Storm water control shall be specified per the EPA requirements in the final  
836 engineering drawings.  
837  
838 2) Remove all existing non-natural materials from the property, and indicate in the text  
839 that there will be no outdoor storage of non-natural materials, other than equipment  
840 which is necessary during construction.

841

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- 842 3) On page 2 of 10 of the text, first paragraph, third line from the bottom, and on page 4  
843 of 10 of the text, first paragraph, second to last sentence, replace “competed” with  
844 “completed.”  
845  
846 4) On page 2 of 10, in item B) 2., rephrase the first sentence to indicate that Phase 1  
847 building construction is currently proposed at 8,000 SF, and may be expanded to up to  
848 a maximum of 12,000 SF.  
849  
850 5) On the site plan, indicate the width of the southern stone driveway.  
851  
852 6) On page 2 of 10 of the text, item B. 3., third line, add the word “elevation” after  
853 “topographical.”  
854  
855 7) Identify on the site plan those areas which are gravel.  
856  
857 8) Indicate in the text that all work on vehicles will be conducted inside the Phase 1  
858 building.  
859

**Resolution 08-06-12-02 - Include 6/5/08 Letter From Erik Mackling As Exhibit 15**

860 Mr. Sedlacek made a motion to include the 6/5/08 letter from Erik Mackling of the  
861 Delaware County Engineer’s office as Exhibit 15 of this application package. Mr.  
862 Valentine seconded the motion. All in favor say, “aye,” all opposed same sign. No  
863 opposition, motion carried.  
864

**Resolution 08-06-12-03 – Include List of 8 Issues As Exhibit 16**

865  
866 Mr. Sedlacek made a motion to include the list of 8 specified issues documented by the  
867 Clerk, as Exhibit 16 of this application package. Mr. Hahn seconded the motion. All in  
868 favor say, “aye,” all opposed same sign. No opposition, motion carried.  
869

870  
871 Mr. Sedlacek asked that the Clerk prepare the list and provide it to the zoning office as  
872 soon as possible.  
873

874 Mr. Williams asked that mini-storage be added to the motion as it was included in the  
875 application text but not in the legal notice.  
876

**Resolution BZC 08-06-12-04 - Approval of Step 1, Preliminary Step of the 2-Step Rezoning Process**

877  
878 Mr. Hahn made a motion to approve BZC 08-005, a request by John Stambaugh to  
879 rezone 5.372± acres at 390 S. 3 B’s and K Road, from FR-1 to PID, for an auto parts  
880 sales distribution building, indoor and outdoor storage of RV, boat, and vehicle storage,  
881 and mini-warehouse use, the version of the application to be approved consisting of those  
882 materials compiled by the applicant in hard copy booklet form and dated June 12, 2008.  
883 This is approval of Step 1, the preliminary step of the 2-Step Rezoning process. Mr.  
884 LeBlanc seconded the motion. Vote: Hahn, yes; LeBlanc, yes; Yorke, yes; Valentine,  
885 yes; Sedlacek, yes. Motion carried, application approved.  
886

887  
888 Mr. Sedlacek said that the zoning office will provide the applicant with a copy of  
889 Exhibits 15 and 16, and they will be included as part of this application package.  
890

891 There was a brief recess.

892 The hearing was reconvened at 9:42 PM.  
893

**Agenda Item - Review Draft Rules of Procedure for the BZC**

894 Mr. Sedlacek suggested that this be discussed at the next BZC meeting.  
895

896  
897 Mr. Sedlacek said the Commission needs to review Article 22 of the zoning resolution,  
898 per the discussion at the 6/10/08 hearing. He suggested that somebody be assigned to  
899 help Mr. Armstrong review the changes necessary for Article 22, to be reviewed at the  
900 next meeting. Mr. Sedlacek volunteered to work with Mr. Armstrong. Mr. Hahn said



**BERLIN ZONING COMMISSION**

**Regular Meeting**

**June 12, 2008, 7:00 PM**

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Rick Sedlacek

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Bob LeBlanc

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Jim Hahn

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Jerry Valentine

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Kristin Yorke

Attest: \_\_\_\_\_  
Township Zoning Clerk Lisa F. Knapp