

BERLIN ZONING COMMISSION

Regular Meeting

August 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. Sedlacek thanked those who attended the farewell party for former BZC member
8 Bob LeBlanc prior to this hearing, and Mr. Armstrong and Zoning Secretary Cathy
9 Rippel for their planning of the party. Alternate Betty Bringardner made a very nice cake
10 for the event.

11
12 Ms. Kerlin led meeting attendees in reciting the Pledge of Allegiance.

13
14 Present: Rick Sedlacek, Jim Hahn, Jerry Valentine, Kristin Yorke, Rae Ann Kerlin

15
16 Meeting Attendees Who Signed In

17 None

18
19 Mr. Sedlacek welcomed recently-appointed regular BZC member Rae Ann Kerlin, who
20 was formerly a BZC alternate member.

21
22 **Proof of Publication**

23 Zoning Clerk Lisa Knapp provided proof of publication for the legal notice for this
24 hearing, which was published in the August 1, 2008 Delaware Gazette, providing
25 notification of the meeting date and time and items for discussion.

26
27 **Legal Notice**

28 **BERLIN TOWNSHIP ZONING COMMISSION**
29 **NOTICE OF PUBLIC MEETING**

30 The Berlin Township Zoning Commission will hold a meeting at 7:00 p.m. Tuesday,
31 August 12, 2008. The meeting will be held at the Berlin Township House, 3271 Cheshire
32 Rd., Delaware, OH. The purpose of the meeting is to discuss Articles 5, 6 & 21-30 of the
33 Berlin Township Zoning Resolution, the Berlin Township Comprehensive Land Use Plan
34 (CLUP), and the Rules and Procedures of the Zoning Commission (BZC). The person
35 responsible for giving notice of the public meeting by publication is Cathy Rippel.
36 Questions concerning this matter should be directed to the Zoning Office at 740-548-
37 5217. Township residents are encouraged to attend.

38
39 Berlin Township Zoning Commission
40 Rick Sedlacek, Chairman

41
42 September BZC Meeting Date

43 Mr. Sedlacek said he would be unable to attend the regularly scheduled 9/12/08 BZC
44 meeting. After discussion, it was agreed to change the meeting date to Wednesday,
45 9/3/08 at 7:00 PM.

46
47 **Resolution 08-08-12-01 – Change BZC Meeting Date from 9/12/08 to 9/3/08 7:00 PM**

48 Mr. Hahn made a motion to change the BZC meeting date from 9/12/08 to 9/3/08 at 7:00
49 PM. Mr. Valentine seconded the motion. All in favor say, “aye,” all opposed same sign.
50 No opposition, motion carried.

51
52 Election of Vice-Chairman

53 Ms. Yorke nominated Mr. Valentine as Vice-Chairman for the remainder of 2008. There
54 were no further nominations.

55
56 **Resolution 08-08-12-02 – Elect Jerry Valentine Vice-Chair 2008**

57 Mr. Hahn made a motion to elect Mr. Valentine as Vice-Chair for the remainder of 2008.
58 Ms. Yorke seconded the motion. All in favor say, “aye,” all opposed same sign. No
59 opposition, motion carried, Mr. Valentine elected Vice-Chair for the remainder of 2008.

60

BERLIN ZONING COMMISSION

Regular Meeting

August 12, 2008, 7:00 PM

**AGENDA ITEM – REVIEW ARTICLES 5, 6, 21-30, & APPENDIX
OF THE BERLIN TOWNSHIP ZONING RESOLUTION**

61
62
63 Mr. Sedlacek said that modified Articles 5, 6, 21-30 of the Zoning Resolution, and the
64 appendix, was rejected by the trustees and send back to the BZC for further review. The
65 BZC had requested that he and Mr. Armstrong review the language, and they met on June
66 20 and 24, 2008, to do so.

67
68 Mr. Armstrong said that the trustees had unanimously rejected the original Articles 5, 6,
69 21-30, and the appendix because of inconsistencies, and also because all the language
70 was included together. He and Mr. Sedlacek reviewed each section of the language. For
71 example, Article 5 discusses signage for a home occupation, and the language was
72 changed to reference the code’s sign article for consistency. References to signs and
73 billboards were also changed for consistency, where before ten or more individual sign
74 sizes had been referenced in the language. Mr. Armstrong said that Section 22.02 had
75 been partially double-numbered and that has been corrected. Each section was reviewed
76 multiple times and a final copy was created for BZC review at this meeting.

77
78 Mr. Armstrong said that he spoke with Scott Sanders, director of the Delaware County
79 Regional Planning Commission (DCRPC), and Chris Betz, of the Delaware County
80 Prosecutor’s office, regarding how to proceed from this point. From their
81 recommendations, it has been determined that the revised language should go through the
82 official review process again; the BZC should initiate the process so the language will be
83 sent to the DCRPC, then back to the BZC, then on to the trustees. Proper legal notices
84 will also be provided.

85
86 Mr. Armstrong proposed that each of the following should each be considered separately:
87 Article 5, Article 6, Article 21, Article 22, and Articles 23-30 and the appendix. Mr.
88 Sedlacek said that Zoning Secretary Cathy Rippel will assign a case number to each
89 initiation, and each proposed case and its revised language will be on public display for
90 10 days. Separating the Articles will also allow some to be approved if there are issues
91 for others.

92
93 Mr. Armstrong asked if the Commission wished to take more time to review the proposed
94 language, or to initiate the process at this meeting. Mr. Hahn said that was satisfied with
95 the proposed language. Ms. Yoroko said that, being newly appointed, she and Ms. Kerlin
96 weren’t involved with the prior language modifications and she was unfamiliar with the
97 changes which were made. Mr. Sedlacek suggested they abstain from voting to initiate
98 the process, and Ms. Yoroko and Ms. Kerlin agreed. It was noted that they would have
99 input after the proposed changes are reviewed by the DCRPC and sent back to the
100 Commission. There was a discussion about when the Commission would hold that
101 hearing.

102
103 **Resolution 08-08-12-03**

104 Mr. Valentine made a motion to initiate amendments to Article 5 of the Berlin Township
105 Zoning Resolution, and to assign a case number to the amendments. Mr. Hahn seconded
106 the motion. All in favor say, “aye,” all abstain same sign. Ms. Yoroko and Ms. Kerlin
107 abstained. There was no opposition. Motion carried.

108
109 **Resolution 08-08-12-04**

110 Mr. Valentine made a motion to initiate amendments to Article 6 of the Berlin Township
111 Zoning Resolution, and to assign a case number to the amendments. Mr. Hahn seconded
112 the motion. All in favor say, “aye,” all abstain same sign. Ms. Yoroko and Ms. Kerlin
113 abstained. There was no opposition. Motion carried.

114
115 **Resolution 08-08-12-05**

116 Mr. Hahn made a motion to initiate amendments to Article 21 of the Berlin Township
117 Zoning Resolution, and to assign a case number to the amendments. Mr. Valentine
118 seconded the motion. All in favor say, “aye,” all abstain same sign. Ms. Yoroko and Ms.
119 Kerlin abstained. There was no opposition. Motion carried.

120

BERLIN ZONING COMMISSION

Regular Meeting

August 12, 2008, 7:00 PM

121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175

Resolution 08-08-12-06

Mr. Valentine made a motion to initiate amendments to Article 22 of the Berlin Township Zoning Resolution, and to assign a case number to the amendments. Mr. Hahn seconded the motion. All in favor say, “aye,” all abstain same sign. Ms. Yorke and Ms. Kerlin abstained. There was no opposition. Motion carried.

Resolution 08-08-12-07

Mr. Valentine made a motion to initiate amendments to Articles 23-30 and the appendix of the Berlin Township Zoning Resolution, and to assign a case number to the amendments. Mr. Hahn seconded the motion. All in favor say, “aye,” all abstain same sign. Ms. Yorke and Ms. Kerlin abstained. There was no opposition. Motion carried.

AGENDA ITEM – REVIEW THE REVISED DRAFT COPY OF BZC RULES OF PROCEDURE

The BZC reviewed the draft of the BZC Rules of Procedure, dated 6/12/08. After discussion, the following changes were made by the Commission at this meeting:

- 1) Page 2, second to last line, change the comma after “Township Hall” to a period.
- 2) Page 4, under Section 9, 6th line, change the comma after “hearing” to a period.
- 3) The header and footer will be changed to state “adopted August 12, 2008”

Mr. Sedlacek thanked Mr. Hahn for all his work on the Rules.

Resolution 08-08-12-08 Adopt BZC Rules of Procedure

Mr. Hahn made a motion to adopt the Rules of Procedure for the Berlin Zoning Commission as follows, which includes the changes above, with an adoption date of 8/12/08:



ARTICLE I

Meetings of BZC

Section 1. Organization of Meetings.

At each meeting of the BZC, the chairperson, or in the absence of the chairperson, the vice chairperson, shall act as chairperson. The person designated by the BZC as its secretary shall act as, and perform the duties of, secretary of the meeting. If no such person is present at a meeting, any person who the chairperson of the meeting appoints shall act as secretary of the meeting. Unless otherwise designated in these procedures, all meetings shall be conducted according to the most recent issue of Roberts Rules of Order.

Section 2. Place of Meetings.

All regular and special meetings of the BZC shall be held at the Berlin Township Hall commencing at 7: 00 p.m. or at such other time and place, as may from time to time be fixed by the BZC, or as shall be specified or fixed in the notice of the particular meeting.

Section 3. Regular Meetings.

Unless otherwise postponed or cancelled, regular meetings of the BZC shall be held as necessary on the second Tuesday of each month, if not a legal holiday, but if that day is a legal holiday under Ohio law, the regular meeting for that month shall be held on the next succeeding weekday which is not a legal holiday or a Saturday or Sunday, or on such other day as the BZC may determine. Regular meetings may be postponed or cancelled in advance by or at the direction of the chairperson, vice chairperson or any two BZC members for reasons of either an anticipated lack of a quorum or a lack of business.

BERLIN ZONING COMMISSION

Regular Meeting

August 12, 2008, 7:00 PM

176

Section 4. Special Meetings.

177
178
179
180
181
182
183

Special meetings of the BZC shall be held whenever called by the chairperson, vice chairperson or any two BZC members. Every BZC member shall furnish the secretary of the BZC with a telephone number and an address at which notice of meetings and all other BZC notices may be served on or mailed to such member. Unless waived before, at, or after the meeting as hereinafter provided, notice of each such meeting shall be given by the chairperson, the vice chairperson, the persons calling such meeting, or the secretary to each member in any of the following ways:

184
185
186
187
188
189
190
191
192
193
194

- (a) By orally informing the member of the meeting in person or by telephone at least twenty-four (24) hours before the date of the meeting.
- (b) By personal delivery of written notice to the member at least twenty-four (24) hours before the date of the meeting.
- (c) By mailing written notice to the member, or by sending notice to the member by email, facsimile, or telegram, postage or other costs prepaid, addressed to the member at the address furnished by such member to the secretary of the BZC, or to such other address as the person sending the notice shall know to be correct. Such notice shall be posted or dispatched a sufficient length of time before the meeting so that delivery thereof would be made to a member not later than twenty-four (24) hours before the date of the meeting.

195
196
197
198
199

The notice to BZC members for a special meeting shall specify the date, time, location and purpose(s) of the meeting. Unless otherwise specified in the notice, special meetings shall be held at the same location as regular meetings. Unless otherwise required by the laws of the State of Ohio, notice of any meeting of the BZC may be waived by any member, either before, at, or after the meeting, in writing, or by email, facsimile, or telegram.

200

Section 5. Quorum.

201
202
203
204

Three (3) members of the BZC shall constitute a quorum. In the absence of a quorum at any meeting or any adjournment thereof, any member may adjourn the meeting from time to time. At any adjourned meeting at which a quorum is present, any business may be transacted which might have been transacted at the meeting as originally called.

205

Section 6. Order of Business.

206
207
208

The order of business at meetings of the BZC shall be such as the chairperson may prescribe or follow; subject, however, to the chairperson being overruled with respect thereto by three members of the BZC present.

209

Section 7. Voting.

210
211
212
213
214
215
216
217

Each member present at a meeting shall be entitled to one vote. Votes shall be made orally. The concurring vote of three members present at a meeting at which a quorum is present shall be necessary to pass any motion recommending either an approval or an approval of some modification of any proposed amendment to the Zoning Resolution, or to otherwise decide in favor of an applicant on any matter which the BZC is required to hear under the Berlin Township Zoning Resolution. The failure to secure the concurring votes of three members shall constitute and result in a recommendation for denial of the proposed amendment and a decision for disapproval of the application.

218

Section 8. Public Notice of Regular and Special Meetings.

219
220
221

The BZC hereby establishes the following methods whereby any person may determine the date, time and place of regular meetings of the BZC, and the date, time, place and purpose(s) of special and emergency meetings of the BZC:

222
223
224
225
226
227
228
229
230
231

- (a) Regular Meetings – The secretary shall give notice of the BZC's regular meeting schedule by posting either a copy of this Section 8 or a notice on the Berlin Township bulletin board located at the Township Hall. The notice shall state, in effect, that unless otherwise changed or cancelled, all regular meetings of the Berlin Township Zoning BZC shall be held as necessary on the second Tuesday of each month at 7:00 p.m. at the Berlin Township Hall located at 3271 Cheshire Rd., Delaware, OH 43015, unless that day is a legal holiday under Ohio Law, in which case, the regular meeting for that month shall be held on the next succeeding weekday which is not a legal holiday or a

BERLIN ZONING COMMISSION

Regular Meeting

August 12, 2008, 7:00 PM

232 Saturday or Sunday, or on such other day as the BZC may
233 determine. If the date, time or location of a regular meeting is
234 changed or cancelled, notice of the change or cancellation shall be
235 posted on the Berlin Township bulletin board at least twenty-four
236 (24) hours prior to the meeting.

237 (b) Special and Emergency Meetings – The secretary shall give notice of
238 the date, time, location and purpose(s) of a special meeting (other than an
239 emergency meeting) by posting a notice in the same location as
240 provided for posting notice of the BZC's regular meeting schedule.
241 The notice shall be posted at least twenty-four (24) hours prior to the
242 meeting. In the case of an emergency meeting, the secretary shall, if
243 sufficient time allows, give notice of an emergency meeting in the
244 same manner as provided for non-emergency special meetings.
245 Otherwise, notice of an emergency meeting is not required, except as
246 provided below.

247 (c) Notice to News Media of Special and Emergency Meetings – News
248 media who have requested notice of special meetings shall be notified
249 by the secretary of the date, time, location and purpose(s) of any
250 such meeting at least twenty-four (24) hours in advance of the
251 meeting. If the meeting is an emergency meeting, the secretary or the
252 BZC member or members calling it shall immediately notify the media
253 who have requested such notification. News media wishing to
254 receive such advance notification shall provide the secretary, in writing,
255 with a mailing address, telephone number and facsimile number (and,
256 if available, an email address) for purposes of giving such notification.

257 (d) Notice of Meetings to Discuss Particular Business – The secretary
258 shall give reasonable advance notice of any regular or special
259 meeting at which a particular type of public business is to be
260 discussed to any person who has requested such notice. Persons wishing
261 to receive such advance notification shall make such request in writing
262 to the BZC at 3271 Cheshire Rd, Delaware, OH 43015 and shall list
263 the requestor's name, mailing address, telephone number and facsimile
264 number (and, if available, an email address), and the specific type of
265 public business in which the requestor has a particular interest and
266 desires notice. In addition, the requestor shall furnish the secretary of
267 the BZC with a sufficient number of stamped, self-addressed
268 envelopes for mailing such notice. If time permits, the requestor
269 shall be notified of such meetings by mail. Otherwise, notice shall be
270 by telephone, facsimile or email. Any such request shall remain in force
271 for twelve (12) months.

272 (e) Special Notice Required by Law – When a particular form or method
273 of notice is required by statute for a public hearing or meeting of the
274 BZC, notice of the hearing or meeting shall be given in the form or manner
275 prescribe by statute, in addition to notice otherwise required under this
276 Section.

277 **Section 9. Attendance of the Applicant.**

278 The applicant or an authorized representative shall attend the hearing scheduled by the
279 BZC on such application. The failure of the applicant or the authorized representative to attend
280 the hearing shall result in the BZC proceeding to conduct the hearing in his or her absence. If
281 extraordinary circumstances beyond such person's control would prevent the applicant
282 from attending the scheduled hearing, the applicant may submit, in writing, a request to table
283 the application and reschedule the hearing. This request shall be accompanied by any
284 required tabling fee and shall be filed with the Zoning Inspector or secretary prior to the hearing,
285 and such request shall constitute a waiver of the time period within which such hearing would
286 otherwise be required to be held. The BZC may, in its discretion, grant such request and
287 reschedule the hearing for such time or times as determined by the BZC. Once a hearing is
288 commenced, nothing herein shall prevent the BZC from conducting the hearing on multiple
289 days until its conclusion.

290 **ARTICLE II**

291 **Members of the BZC**

292 **Section 1. Purpose and Composition of the BZC.**

BERLIN ZONING COMMISSION

Regular Meeting

August 12, 2008, 7:00 PM

293 The purpose of the BZC is to propose, initiate, review and make recommendation
294 on proposed amendments to the Zoning Resolution; to employ or contract with such planning
295 consultants, executives and other assistants as deemed necessary, within the limits of the
296 funds appropriated by the Board of Trustees for such purpose; and to otherwise exercise those
297 powers and duties conferred by law and the Berlin Township Zoning Resolution, all of which
298 shall be performed in compliance with Ohio Revised Code Chapter 519. The members of
299 the BZC shall consist of those five (5) individuals who are, from time to time, duly
300 appointed and serving as the members of the Berlin Township BZC. The Berlin Township
301 Board of Trustees may appoint an alternate(s) to the BZC who, if so appointed, may take the
302 place of an absent member at a BZC meeting in accordance with the procedures prescribed
303 by the Trustees. Unless a member (or alternate, if so appointed) earlier resigns, dies, is
304 removed from the BZC by the Berlin Township Board of Trustees (following procedures
305 specified by Ohio law), or ceases to reside outside of the unincorporated area of Berlin
306 Township, then each member shall serve on the BZC until the member's successor is
307 appointed and qualified.

308 **Section 2. BZC Officers.**

309 The officers of the BZC to be elected from among its members shall be a
310 chairperson and one vice chairperson.

311 **Section 3. Election of Officers.**

312 At the regular meeting held during the month of January in each calendar year at
313 which a quorum is present, officers shall be nominated for election, with the person(s)
314 receiving the greatest number of votes being deemed so elected. Each shall hold the status
315 of such an officer at the pleasure of the BZC.

316 **Section 4. Term of Office.**

317 Unless a member earlier resigns, is removed as hereinafter provided, or ceases to
318 be a member of the BZC, each officer shall hold office until January 31 of the next
319 succeeding calendar year following such officer's election, or if the election is not held at
320 the next succeeding January meeting following such officer's election or any adjournment
321 thereof, until such time as an election of officers is held, and until a successor is duly
322 elected and qualified.

323 **Section 5. Removal.**

324 Any officer may be removed, without cause and at any time, by the BZC at any
325 regular meeting or special meeting; provided, however, that in the case of a special meeting,
326 the notices (or waivers of notices) of the special meeting shall specify that such removal
327 action was to be considered. In any case in which an officer is removed, such officer shall
328 still remain and be a member of the BZC unless removed as a member of the BZC. BZC
329 members may only be removed per procedures specified by Ohio law.

330 **Section 6. Resignations.**

331 Any officer may resign such office at any time by giving written notice to the
332 chairperson, vice chairperson, or secretary of the BZC. Any such resignation shall take
333 effect at the time specified therein. Unless otherwise specified therein, the acceptance of
334 such resignation shall not be necessary to make it effective. Notwithstanding the previous,
335 no such resignation shall be construed as resigning one's status as a member of the
336 BZC unless such resignation so specifies therein and is delivered to the Berlin Township
337 Board of Trustees by or on behalf of such member.

338 **Section 7. Powers, Authority, and Duties of the BZC.**

339 The BZC shall have the powers and authority conferred and the duties
340 prescribed by law, in addition to those specified or provided in the Berlin Township Zoning
341 Resolution and these Rules, unless otherwise conflicting with applicable law, in which case,
342 applicable law shall prevail.

343 **Section 8. The Chairperson of the BZC.**

344 The chairperson of the BZC, if and while there be an incumbent of the office,
345 shall preside at all meetings of the BZC at which the chairperson is present, unless the
346 chairperson voluntarily and temporarily transfers the chair to the vice chairperson or
347 another BZC member. The chairperson shall have and exercise general supervision over the

BERLIN ZONING COMMISSION

Regular Meeting

August 12, 2008, 7:00 PM

348 conduct of the BZC's affairs, its order of business and over its other officers and appointees;
349 subject, however, to any contrary law. The chairperson shall see that all orders and directives
350 of the BZC are carried into effect. The chairperson or the chairperson's designee may
351 administer oaths.

352 **Section 9. The Vice Chairperson.**

353 If and while there is no incumbent of the office of the chairperson of the BZC, and
354 during the absence of the chairperson of the BZC, the vice chairperson shall have the
355 duties and authority specified for the office of chairperson, and shall perform such other
356 duties as may be assigned by the BZC or by the chairperson. In the absence of the
357 chairperson and vice chairperson, the BZC may designate an interim chairperson to carry
358 out all or any portion of such duties.

359 **ARTICLE III**

360 **The Secretary**

361 The BZC shall designate an individual to serve as secretary of the BZC. The person
362 designated as secretary is not required to be a BZC member; provided, however, that only
363 those individuals duly appointed and serving as members of the BZC shall be entitled to vote
364 on matters coming before the BZC. The person designated as secretary shall serve in this
365 position at the pleasure of the BZC. The duties of the secretary shall include the following:

366 (a) Keep the minutes of all meetings of the BZC in a written form, and be
367 custodian of the BZC's records;

368 (b) See that all notices are duly given in accordance with these Rules or as
369 required by law;

370 (c) Exhibit at all reasonable times the aforesaid records of the BZC;

371 (d) See that all documents, reports, and records required by law are
372 properly kept and filed; and

373 (e) In general, perform all duties incident to the office of secretary and
374 such other duties as from time to time may be assigned by the BZC or
375 the chairperson.

376 In the absence of the secretary, the chairperson may designate an interim secretary to carry
377 out all or any portion of such duties.

378 **ARTICLE IV**

379 **Amendment of Rules of Procedure**

380 At any meeting of the BZC, these Rules may be amended or repealed in whole or in part,
381 or new Rules added thereto and adopted, by the affirmative vote of three members of the BZC.

382 **ARTICLE V**

383 **Repeal of Previous Rules**

384 All Rules of Procedure previously adopted by the BZC are hereby repealed and declared to be
385 void and of no further force or effect from and after the date these Rules are adopted by the BZC.

386 (End of Rules of Procedure)

387 -----

388
389 Ms. Yorko seconded the motion. All in favor say, "aye," all opposed same sign. No
390 opposition, motion carried, BZC Rules of Procedure adopted.

391
392 The Clerk will email copies of the revised BZC Rules of Procedure to the zoning office
393 and to the Commission.

394 **OTHER BUSINESS**
395 **BERLIN TOWNSHIP BUSINESS COMMUNITY INPUT FORUM**

396 Following up on a discussion which was held at the 6/10/08 BZC hearing, there was a
397 discussion about the meeting to be held with township businesses to obtain input on how
398 the township can make it easier to run their businesses. It was tentatively agreed to call

BERLIN ZONING COMMISSION

Regular Meeting

August 12, 2008, 7:00 PM

399 the meeting the “Berlin Township Business Community Input Forum.” Ms. Kerlin
400 suggested a theme for the meeting of “help us help you.”

401

402 A tentative schedule was discussed for upcoming BZC meetings:

403

404 ➤ *September 3, 2008*: work on comprehensive plan

405 ➤ *October 14, 2008*: finalize recommendations for zoning resolution amendments at
406 7:00 PM, and then hold the business community forum at 7:30 PM.

407

408 Mr. Sedlacek asked Mr. Hahn to work with Mr. Armstrong to create a draft
409 format/agenda for the meeting, and also a draft invitation letter for the business
410 community forum. Mr. Armstrong suggested that Commission members could contact
411 the zoning office with suggestions for the format/agenda of the meeting, and he will
412 provide copies of the drafts for review by the Commission at its 9/3/08 meeting.

413

414 Mr. Armstrong has a list of all the businesses in Berlin Township, which he obtained
415 from the fire department. Ms. Rippel could then mail the invitations out the week of
416 9/8/08 and also do the legal notice for both meetings to be held. Commission members
417 will finalize the official name of the meeting at its 9/3/08 meeting.

418

419 Mr. Valentine asked if there would be an opportunity for written comments to be
420 submitted by those who are not able to attend the meeting, and it was agreed that written
421 comments could be suggested as long as they are not anonymous. Ms. Kerlin asked how
422 the township would communicate what happened at the meeting to those who do not
423 attend it. Mr. Sedlacek suggested mailing a follow-up letter summarizing the meeting,
424 and Ms. Kerlin suggested putting the information on the township website. She also said
425 that the invitation letter could indicate that the results will be available on the website
426 after the meeting.

427

428 Mr. Valentine suggested mailing out the summary of the meeting to the mailing list of
429 businesses, as some people do not have website access. Mr. Hahn suggested that the
430 invitation should state that while the Commission welcomes their input, it cannot
431 guarantee that their suggestions will all be adopted. Mr. Sedlacek said the Commission
432 would guarantee that it would listen. Mr. Hahn suggested using a PowerPoint
433 presentation during the meeting to show maps, etc. to the forum attendees. There was a
434 discussion about an ending time for the meeting of 9:00-9:30 PM.

435

436 Mr. Sedlacek asked that Mr. Armstrong inform Ms. Rippel and the trustees of the
437 meeting and its details.

438

439 **AGENDA ITEM – REVIEW THE BERLIN TOWNSHIP COMPREHENSIVE LAND**
440 **USE PLAN (CLUP)**

441 Mr. Sedlacek asked that the Commission have a discussion regarding their issues, ideas, and
442 thoughts on updating the CLUP, as its text was last modified in 1999, and that the Clerk should
443 document those points. The Commission could then ponder the points between now and the next
444 meeting and have further discussions at that time.

445

446 Mr. Armstrong said that in the Executive Summary on page 9, goal six states, “Providing passive
447 and active recreational areas as the township grows.” He said there has been much discussion
448 about sports fields, etc. Some of the information in the CLUP is out-of-date and the Commission
449 needs to consider what type of recreational opportunities it wishes for the township, and whether
450 that is still a goal. Goal six also states, “Acquire 25-50 acres of land for future township park
451 with active recreational fields.” He said that the price of land for such purposes and its
452 maintenance is very expensive in today’s market. The township should re-think what is practical
453 and what can be reasonably done for recreation within the township.

454

455 Mr. Armstrong asked that the Commission read the text of the entire plan and pay particular
456 attention to the executive summary to determine where the township wants to go in the future.
457 The DCPRC has offered to help the township begin the update process if desired. Mr. Hahn
458 said that the BZC could make a recommendation regarding this, and then township

BERLIN ZONING COMMISSION

Regular Meeting

August 12, 2008, 7:00 PM

459 trustees would have to approve the contract. Mr. Armstrong said the contract details will
460 depend on how much the BZC wants to change the CLUP.

461

462 Mr. Sedlacek said that the CLUP map indicates a 700' corridor to the north and south of
463 Route 36/37 for commercial uses. Phil Laurien, former director of the DCPRC, and Mr.
464 Sedlacek discussed years ago that the 700' is just a guide, and perhaps the township
465 should consider increasing it. If a backage road is added the, 700' designation may not
466 be sufficient.

467

468 Mr. Sedlacek said that the Commission should also consider the southwest corner of
469 Route 36/37 and South 3 B's and K Road. Currently, two model homes and a furniture
470 store are located in that area, and several people have tried to do something on the corner
471 in the past years. That area is indicated on the CLUP as being neighborhood commercial.
472 Mr. Armstrong said it is still neighborhood commercial, but the other two parcels were
473 rezoned by American Heritage as planned commercial. Mr. Sedlacek noted that the
474 CLUP maps do not change the actual zoning of property, but is a projection of what the
475 township feels it should be in the future. For example, if an area is zoned Planned
476 Commercial and an applicant applies for a good planned commercial application, it
477 would be easier to approve than if the CLUP indicated another type of zoning.

478

479 Mr. Sedlacek said the southwest segment of the township's CLUP includes 5-6 different
480 zoning districts, including industrial, neighborhood commercial, commercial, etc. The
481 township does want step-down districts, but perhaps this area should be further discussed.

482

483 Mr. Hahn said that several years ago he asked about bike trails in the township, and no
484 progress has been made in that area. There are many bikers along Lackey Old State and
485 Africa Road, including bike racers. Ms. Kerlin said bike trails wouldn't help with races
486 because they would not be wide enough. Mr. Hahn said it would be useful for bikers and
487 hikers and the township should consider bike trails.

488

489 Mr. Hahn said that the Mid-Ohio Regional Planning Commission has been pushing for
490 higher-density zoning around Columbus to prevent agricultural land from being used up.
491 Berlin Township may have the lowest average zoning density in the area, and the highest
492 density in the township is 1.85 units/developable acre to the south to help prevent
493 annexation. Once neighboring Orange Township reaches a population of 25,000 it can
494 legally work to become a municipality, which would mean it could annex Berlin
495 Township property. The higher density to the north and south was intended to protect
496 Berlin Township from annexation from Orange Township and the City of Delaware.

497

498 Mr. Hahn suggested considering commercial or industrial development in the southwest
499 corner. Don Kenney and the owner of the Evans property apparently wants to develop
500 the property in that area as single-family housing. There is a lot of single-family
501 development in Berlin Township, and there is very little commercial property, and he
502 suggested attempting to foster commercial development in the township. Manufacturing
503 would be of particular interest to him because it provides higher income and salaries than
504 service industry jobs such as McDonalds, big box retail, etc.

505

506 Mr. Hahn said that studies indicate that big box stores result in a loss of revenue because
507 the salaries these types of businesses pay are low, which results in workers having to rely
508 on the government to subsist them. Mr. Sedlacek said that many employees of big box
509 stores also don't typically live in the area where they work. Mr. Hahn agreed, and said
510 that infrastructure requirements, including police services, end up costing more than the
511 additional taxes which are brought in by such businesses. On the other hand, small
512 "mom-and-pop" stores are very good for communities.

513

514 Mr. Hahn said that the property in the southwest of the township, south of where the new
515 Grady hospital will be, could be rezoned as a medical-type use, which would be good for
516 the community. It would also not produce additional students for the school system. The
517 type of zoning will have an influence on the types of businesses which are brought into

BERLIN ZONING COMMISSION

Regular Meeting

August 12, 2008, 7:00 PM

518 the township. He said a strip mall is being built along Route 36/37 in Delaware, with
519 service industry businesses

520
521 Ms. Kerlin suggested expanding the community input forum in the future to help attract
522 new businesses, as it may be a good idea to have a plan in place to lure those types of
523 businesses to the community, instead of waiting for big box businesses to come to the
524 township. Mr. Hahn said he wants to make developers aware that the township is
525 amenable to working with them.

526
527 Ms. Kerlin said it is a big concept to foster a certain type of business and direct the way
528 the community grows, and it will require a lot of detail.

529
530 Ms. Kerlin agreed that acquiring land and developing a parks department would be very
531 expensive in today's market, and while such amenities would be nice, that would involve
532 going into a business. She suggested perhaps bringing a business into the community
533 such as a YMCA may be a goal of developing the community and bringing those services
534 to the community. This could also perhaps bring jobs to the township as well. Mr. Hahn
535 said that Berlin Township is unique geographically because it has Alum Creek State Park
536 with lots of picnic areas and park lands. He said he would be satisfied with simpler
537 recreational uses such as soccer fields, etc.

538
539 Ms. Kerlin said she was thinking of perhaps a swimming pool which is priced reasonably
540 affordable and well-run. Mr. Sedlacek said that years ago he worked with Mr. Laurien
541 regarding sports fields to be located north of the fire station, and he learned that those
542 types of ventures are very expensive even when the township owns the lands.
543 Maintenance including mowing and seeding, lighting, planning, and insurance is very
544 costly. If the trustees approve it, open forum meetings could be help regarding that as
545 well. It would be preferable to attract a third party to provide such services.

546
547 Ms. Kerlin asked for opinions regarding how the Cheshire Road/Africa Road businesses
548 should develop in the area. Mr. Hahn said that the Cheshire market area is a distinctly-
549 zoned area with a different treatment than most, and perhaps the business owners in that
550 area may be interested in putting a sign up stating that it is "historic Cheshire Market" or
551 the like, to help provide a theme for the area. Ms. Kerlin agreed and said perhaps the
552 area could develop into a small burg. Mr. Hahn said that it is a small area.

553
554 Mr. Armstrong said that goal 13 of the CLUP states, "Create a heart of the township at
555 Cheshire with mixed uses." Ms. Kerlin said that since gas prices are so high now, people
556 are more interested in staying in the community.

557
558 Mr. Valentine said he was interested in connecting the entire community with a bike path,
559 similar to what Orange Township has done. Berlin Township has nice recreational areas,
560 but it is hard to get to those places without a car. He would like to protect the
561 communities' investment and ensure that property values continue to go up, rather than
562 being infiltrated by the City of Delaware. Mr. Hahn said that protection of the
563 community would also involve getting public sewer and water service to the northwest
564 quadrant of the township.

565
566 The Clerk will make a list of discussion points to be discussed at the 9/3/08 meeting.

567
568 **APPROVAL OF MINUTES**

569 Mr. Hahn made a motion to approve the minutes from the June 10, 2008 BZC meeting, as
570 presented. Mr. Valentine seconded the motion. All in favor say, "aye," all opposed same
571 sign. No opposition, motion carried.

572
573 Mr. Valentine made a motion to approve the minutes from the June 12, 2008 BZC
574 meeting, as presented. Ms. Yorke seconded the motion. All in favor say, "aye," all
575 opposed same sign. No opposition, motion carried.

576
577

BERLIN ZONING COMMISSION

Regular Meeting

August 12, 2008, 7:00 PM

SYNOPSIS

578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637

- 1) Initiate Amendments Zoning Resolution: The BZC voted to initiate amendments to Article 5, Article 6, Article 21, Article 22, and Articles 23-30, and the appendix, of the Berlin Township Zoning Resolution, and to assign a case number to each amendment.
- 2) BZC Rules of Procedure approved: The final draft of the BZC Rules of Procedure were modified and approved with an approval date of 8/12/08.
- 3) Tentative Schedule for Upcoming BZC meetings: September 3, 2008, work on comprehensive plan; October 14, 2008, finalize recommendations for zoning resolution amendments at 7:00 PM, and hold the business community forum at 7:30 PM. An ending time for the forum may be determined.
- 4) Business Community Forum details (to be discussed at the 9/3/08 meeting):
 - a. Mr. Hahn will work with Mr. Armstrong to create a draft format/agenda, and also a draft invitation letter for the business community forum. Commission members can contact the zoning office with suggestions on these drafts. Mr. Armstrong will provide copies of the draft format/agenda and letter to the Commission for its review at the 9/3/08 meeting. Zoning Secretary Cathy Rippel could be responsible for mailing the letter out the week 9/8/08 and also do the legal notice for both meetings. The invitation may state that while the Commission welcomes input, it cannot guarantee all suggestions will be implemented.
 - b. Commission members will finalize the official name of the business community forum at its 9/3/08 meeting.
 - c. A suggestion was made to consider expanding the community input forum in the future to help attract new businesses to the township.
 - d. Written comments which are not anonymous will be accepted for the meeting.
 - e. A follow-up letter summarizing the meeting may be sent to local businesses, and also posted on the township website.
 - f. The trustees and Ms. Rippel will be informed of the forum details by Mr. Armstrong.
- 5) 9/3/08 CLUP Points Summary (to be discussed at the 9/3/08 meeting):
 - a. To help determine the direction of the township in the future, read the entire CLUP and pay particular attention to the executive summary.
 - b. Review Township Recreational Areas (Goal 6 of the CLUP). Consider partnering with an entity such as the YMCA, etc. to bring recreational services and additional jobs to the community.
 - c. Should the 700' commercial corridor, located north and south of Route 36/37, be expanded, especially in the event that a "backage road" is added?
 - d. Is the current designation (Neighborhood Commercial) of the property at the southwest corner of Route 36/37 and South 3 B's and K Road still appropriate, given the re-zonings of nearby parcels into other districts?
 - e. The southwest segment of the township's CLUP includes 5-6 different zoning districts, including industrial, neighborhood commercial, commercial, etc. and this should be discussed. Perhaps part of it could be designated as medical use.
 - f. Consider commercial or industrial designations in the CLUP for property located in the southwest corner of the township. Attempt to foster commercial development in the township, and attracting manufacturing facilities.
 - g. Consider Goal 13 of the CLUP: "Create a heart of the township at Cheshire with mixed uses." Discuss business district in the Cheshire Road/Africa Road area: perhaps create a theme and/or add signage indicating "Historical Cheshire Market" or the like.
 - h. Consider walking/biking trails in the township to connect the community and its businesses.

There was no further business to come before the Commission. Motion to adjourn.
Hearing adjourned at 8:35 PM.

BERLIN ZONING COMMISSION

Regular Meeting

August 12, 2008, 7:00 PM

638
639
640
641
642
643
644
645
646
647
648
649
650
651
652
653
654

Rick Sedlacek

Jim Hahn

Jerry Valentine

Kristin Yorke

Rae Ann Kerlin

Attest: _____
Township Zoning Clerk Lisa F. Knapp