

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

**REGULAR MEETING
SEPTEMBER 10, 2009, 7:00 PM**

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

3
4 **CALL TO ORDER**

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

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

9
10 BZC Members Present: Rick Sedlacek; Rae Ann Kerlin; Jim Hahn; Betty Bringardner (1st
11 alternate seated); Kristin Yoroko; Toni Korleski (2nd alternate).

12
13 BZC Members Absent: Jerry Valentine (vice-chairperson)

14
15 Mr. Sedlacek said that Mr. Valentine has been very ill but is getting better.

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

19
20 **PROOF OF LEGAL NOTICE PUBLICATION AND LEGAL NOTICE**

21
22 Zoning Clerk Lisa Knapp provided proof of publication for the legal notice for this
23 meeting, which was published on August 28, 2009 in the Delaware Gazette, providing
24 notification of the meeting date, time, and items for discussion.

25
26 *“Berlin Township Zoning Commission Notice of Public Hearing*
27 *The Berlin Township Zoning Commission will hold a public meeting on*
28 *September 10, 2009 at 7:00 p.m. at the Berlin Township House located at 3271*
29 *Cheshire Road, Delaware, Ohio 43015 to continue discussions regarding the*
30 *revisions associated with the text of the Comprehensive Land Use Plan (CLUP).*
31 *This will include the goals and visions as well as community facilities and open*
32 *space and recreation. Additionally, discussions will continue on possible changes*
33 *as a result of the recently completed Business Community Forum. The person*
34 *responsible for giving notice of the public hearing by publication is Cathy Rippel.*
35 *Questions concerning this matter should be directed to the Zoning Office at*
36 *740-548-5217. Township residents are encouraged to attend.*

37
38 *BERLIN TOWNSHIP ZONING COMMISSION*
39 *Rick Sedlacek, Chairman”*

40
41 **APPROVAL OF MINUTES**

42
43 Mr. Hahn made a motion to approve the minutes from the July 21, 2009 BZC meeting as
44 presented. Ms. Yoroko seconded the motion.

45 All in favor say, “aye,” all opposed signify with same sign. No opposition, motion
46 carried, minutes approved.

47
48 Mr. Hahn made a motion to approve the minutes from the August 13, 2009 BZC meeting.
49 Ms. Yoroko seconded the motion.

50 All in favor say, “aye,” all opposed signify with same sign. No opposition, motion
51 carried, minutes approved.

52
53 **AGENDA ITEM: INTRODUCTION OF MEETING ATTENDEES**

54
55 Mr. Sedlacek asked the meeting attendees to introduce themselves.

- 56
57 • Scott Sanders, Executive Director of the Delaware County Regional Planning
58 Commission.

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- 59 • Phil Panzarella, Berlin Township Trustee, 5571 Streamside Drive, Galena, Ohio
- 60 43021
- 61 • Toni Korleski, Zoning Commission alternate member, 3584 Greenville Drive, Lewis
- 62 Center, OH 43035
- 63 • Joe Korleski, BZA member, 3584 Greenville Drive, Lewis Center, Ohio 43035
- 64 • Andrew Kerlin, Boy Scout, 5839 Streamside Lane, Galena, Ohio 43021
- 65 • David Leahy, 1484 Dale Ford Road, Delaware, Ohio 43015
- 66 • John Oney, with Architectural Alliance, 65 N. Fifth St., Columbus, Ohio, architect for
- 67 Byers Kia
- 68 • Jay DuRivage, dealer principal with George Byers Sons
- 69 • Michael Shade, 41 North Sandusky Street, Delaware, Ohio 43015, attorney
- 70 representing Byers Kia
- 71 • Kasey Kerlin, 5839 Streamside Dr., Galena, Ohio 43021

**AGENDA ITEM – REQUEST FOR EXTENSION OF PRELIMINARY DEVELOPMENT PLAN
BY JOHN STAMBAUGH**

76 Mr. Armstrong said that John Stambaugh has requested an extension of the preliminary
77 plan which was approved last year for property located 390 S. 3B's & K Rd., Galena, OH
78 43021; however, because this BZC meeting had been rescheduled he was not available to
79 attend tonight. He said Mr. Stambaugh is requesting a 1-year extension of the business
80 for warehouse parks he had planned for a racing operation on the subject property.

82 Mr. Armstrong said that Mr. Stambaugh said that because the economy is not good right
83 now they cannot move ahead with development, but they do not wish to lose their
84 preliminary plan and have to start the process over again. The applicant was filed on
85 8/7/09 but it was too late to be considered at the August BZC meeting.

87 Mr. Sedlacek asked for comments or questions from the BZC, and from the audience, and
88 there were none.

**RESOLUTION 09.09.10.#1: GRANT ONE YEAR EXTENSION REQUEST
OF THE PRELIMINARY DEVELOPMENT PLAN FOR JOHN STAMBAUGH**

92 Ms. Kerlin made a motion to grant the extension request for John Stambaugh of the
93 preliminary plan for one year. Mr. Hahn seconded the motion.

94 Vote: Kerlin-yes; Hahn-yes; Sedlacek-yes; Yorke-yes; Bringardner-yes.

95 Motion carried, extension request granted.

**AGENDA ITEM – REQUEST FOR EXTENSION OF PRELIMINARY DEVELOPMENT PLAN
BY BYERS KIA**

100 Mr. Armstrong said that Byers Kia has requested an extension of their preliminary plan.

102 Michael Shade said that Byers Kia has been through a process which began with the
103 township on 1/27/07. The BZC and the township trustees approved what he felt was a
104 viable and doable plan. Unfortunately, despite many attempts, the proposal has had
105 issues, including the circumstance that the property is currently under a septic system and
106 is attempting to tie into the county sewer system. Many meetings have been held since
107 the approval, he noted.

109 Mr. Shade said that Mr. Panzarella and Mr. Armstrong each spoke at the Delaware
110 County Commissioners' (DCC) meeting this morning and Mr. Shade had hoped to have
111 their approval in hand for this meeting, but at the last minute Greif Brothers had asked for
112 extra time for their legal counsel to look at the resolution. Byers agreed to defer the issue
113 and it will now be considered at this coming Monday's DCC meeting.

115 Mr. Shade said once that has been done the phases will get caught up quickly. However,
116 the building cannot be expanded without tying into the sanitary sewer district. The Ohio

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117 Environmental Protection Agency (EPA) has suggested doing a forced main on a
118 temporary basis until Greif Brothers works out details with regard to their plan and it is
119 known where the sewer will go permanently. That will also address the issue of the
120 roadway behind the properties off of Route 23 but that will take some time because it is
121 economically/development driven.

122

123 Mr. Shade said that Byers regrets that they haven't lived up to what it agreed to do and is
124 slightly behind on phase 2. Mr. Sedlacek asked what the new expiration date would be.
125 Mr. Shade said he thought the plan had expired recently. Mr. Armstrong agreed but said
126 that the request was filed prior to expiration of the plan, in August.

127

128 Mr. Sedlacek asked if the BZC could act on the request as long as it was filed then. Mr.
129 Armstrong said that was correct. He said it would have actually been heard prior to its
130 expiration at the August meeting but that meeting date was rescheduled on short notice
131 and the principals involved could not attend because they had prior commitments and/or
132 were out of town or the country. He said a one-year extension would be some time in
133 August 2010.

134

135 Mr. Hahn asked whether, if the applicant had further governmental or sewer delays, could
136 Byers get another extension? Mr. Armstrong said, "Yes," and that would be up to the
137 Commission. That has been granted to another applicant in the past, he noted.

138

139 Mr. Shade said if Byers must reapply for an extension because of sewer issues there
140 would be a good likelihood that there will be substantial changes to the project.

141

142 Mr. Armstrong said he has participated in many meetings regarding the property and how
143 to resolve the issues, including with the health department, EPA, and many other
144 governmental agencies, and much time has been spent on it. There is no possible way the
145 applicant could have gone beyond the preliminary plan at this point. Mr. Shade thanked
146 him for his assistance.

147

148

**RESOLUTION 09.09.10.#2: GRANT ONE YEAR EXTENSION REQUEST
OF THE PRELIMINARY DEVELOPMENT PLAN FOR BYERS KIA**

149

150 Ms. Yorke made a motion to approve the extension request from Byers Kia for one year.

151

Ms. Bringardner seconded the motion.

152

Vote: Yorke, yes; Bringardner, yes; Hahn, yes; Kerlin, yes; Sedlacek, yes. Motion
153 carried, extension request granted.

154

155

AGENDA ITEM: OTHER BUSINESS

156

Informal Presentation by Byers Realty

157

158 Mr. Armstrong said that Byers Realty will also give a presentation tonight of their intent
159 to bring in a final development plan for phases 2 and 2 ½ of their plan, for informational
160 purposes only.

161

162 Mr. Sedlacek said that the following is an informal presentation on behalf of Byers and
163 any questions or comments by the Commission should not lead the company to believe
164 they are for or against it. The purpose of this presentation is to help the Commission and
165 Byers to understand what is going on.

166

167 John Oney said that on behalf of the Byers family, they are excited and anxious to move
168 forward with this project in this anemic economy. They have worked hard and been
169 successful at this location and certainly are anxious to expand.

170

171 Mr. Oney said that sheet 1.1A is the plan for phase 1 which was approved as a final
172 development plan which they are ready to move forward on. The parking and retention
173 areas were to be expanded and the property was to be connected to sanitary sewer. Sheet
174 1.1B was phase 2 which was approved conceptually and included an expansion of the
175 parking area along Route 23 heading to the north. Sheet 1.1C was approved conceptually

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176 and included the build-out which would complete the project with parking throughout the
177 site and also included a proposed addition to the rear of the building.

178

179 Mr. Oney said that proposed now, with hopes of getting the sanitary sewer situation
180 handled this coming Monday, is to move forward with the expansion as quickly as
181 possible. Since the project has been delayed, phase 1 will turn into phase 2.5. The first
182 sheet in the handout 1.01 indicates what the applicant now proposes as phase 1 which
183 would include all of the build-out except for the northwest corner which would remain
184 undeveloped and would allow for additional future parking.

185

186 Mr. Oney said that the project would still meet all the requirements of the development
187 text in the approved plan. He said that this proposes in phase 2.5 that the parking is
188 expanded to the north as originally planned, as well as parking to the north which was to
189 be part of phase 2 originally, and also expanding the building which would have been
190 part of phase 3. The existing showroom and service area would remain, and they would
191 be expanded to the back and to the north, which was included in the original plan.

192

193 Mr. Oney said that originally planned was a 50' by 80' addition to the rear and the
194 informal plan now indicates an expansion to a little over 90' in one direction and a bump-
195 out. The footprint is around 6500 SF and that would allow that as Byers grows it would
196 have the correct number of service stalls. It would still only have 2 entry points as was
197 previously proposed, and it would have a technician break area, a parts area, and most
198 importantly an internal service reception/service write-up area. Currently the cars enter
199 the service area and they are written up for service; however, it is very noisy in that area
200 and the proposal indicates a redirection of that with a service reception, service write-up,
201 and service managers.

202

203 Mr. Oney said that it was always Byers' intention to redirect the focus of the dealership
204 to the north where there is room to expand and that would still be done with the approval
205 of the Ohio Department of Transportation (ODOT), utilizing both curb cuts and still
206 providing most likely in phase 3 the main entry point would be relocated. Until that
207 happens the entry points will remain at the front.

208

209 Mr. Oney said that all approved concepts will still be intact with the new plan, including
210 storm water retention, quality, lighting, landscape, maximum tract coverage, etc. He
211 asked for the Commission's comments so Byers could come back for a preliminary final
212 development plan approval as quickly as possible.

213

214 Mr. Oney said that the existing exterior materials will be matched for the expansion and
215 the bump-out of the north would match the "flavor" of the front part of the building
216 which is more expensive and includes glass and Dryvit materials.

217

218 Mr. Oney said that the township's requirements for screening have been met and
219 exceeded and will include mounding and additional landscaping. All the buffering to the
220 north will remain intact and everything will be per the landscaping plans which were
221 already approved.

222

223 Ms. Kerlin asked if the applicant was intending to keep the plan with a few additions to
224 enhance the parts department and service area. Mr. Shade said that was correct. Ms.
225 Kerlin said she felt the request was fairly straight-forward.

226

227 Mr. Hahn asked whether just north of the original existing one-story building would be
228 the outside display of cars. Mr. Shade said there is currently display area all around the
229 building; with the bump-out indicated there would be outdoor display.

230

231 Mr. Hahn said that it appears that the parking will be less crowded to get into than the
232 original from the north side because it will be pushed back. Mr. Shade said that during
233 the delay of the project phase 2 and 3 were thought through more. There will be a loop
234 around the building and very generous aisles will be provided.

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235 Mr. Sedlacek asked what the total size of the expansion would be. Mr. Shade said it
236 would be 6,517 square feet, and above the parts area there is room for a parts mezzanine
237 of about 1000 SF within the building itself; it is not a footprint coverage area. The
238 original plan included just 8 service bays in the back for a total of 4000 SF but that would
239 not provide the service reception functions and parts or technician area that Kia will
240 require as it grows. That area will expand to the north and front.

241

242 Mr. Sedlacek asked if the curb cuts are both right-in/right-out and if so, how traffic
243 traveling north would be able enter the property. Mr. Shade said there are two rights-
244 in/rights-out curb cuts, including one at the southern side and he noted that the purchased
245 land will be developed. The applicant would like to keep the two right-in/right-out
246 accesses because that is all the property has. He hopes that when the service road is
247 platted, planned and built it will provide access to the traffic light. The conceptual plan
248 showed 2 access points but he feels comfortable with just one. Until that is provided he
249 hopes that ODOT agrees that at least two access points are fine.

250

251 Mr. Sedlacek asked whether this would be a one-step or two-step process. Mr. Shade
252 said he would like to do one. Mr. Sedlacek asked when the formal plan would be brought
253 back to the township. Mr. Shade said if approval is obtained for sewer this Monday by
254 the Commissioner, he can apply. Mr. Armstrong said it would be heard 20-40 days from
255 the day the application is accepted by the township, and that would require other
256 approvals as well. Mr. Shade said it would take the applicant 3-4 weeks to complete all
257 the information once the sewer is approved.

258

259 Mr. Armstrong said that as a result of discussions between Byers and Greif Brothers, the
260 applicant has agreed to additional mounding and landscaping far beyond what is required
261 in the township zoning resolution, and that is a unique situation; typically it is difficult to
262 get landscaping. The new design will vastly transform the character and the quality of
263 the development. He is pleased with the expansion plans and also that the parking will be
264 safer and more user-friendly. He said the proposal is really worth looking into.

265

AGENDA ITEM: STATUS REPORT FROM SUB-COMMITTEES

266

267
268 Mr. Sedlacek asked for a brief summary from the BZC subcommittees.

269

Expanded Home Occupations Sub-Committee - Update

270
271 Mr. Hahn said that this discussion could be lengthy and asked that it be discussed later.

272

Village of Cheshire Business Community Sub-Committee - Update

273
274 Ms. Kerlin spoke with a representative from the Army Corp of Engineers regarding
275 signage in the Village of Cheshire area. There seems to be a lot of confusion regarding
276 whether signs can be placed on state park land, and the representative said that a lot of
277 paperwork is required and the process could take three months. However, he needed
278 more information regarding the type of signage desired.

279

280 Ms. Kerlin said that she and Mr. Armstrong took photos of proposed sign locations, and
281 they would probably be pole signs but perhaps more decorative and state something like
282 "Village of Cheshire Business Community Welcomes You." An application will be
283 submitted to the Corp.

284

285 Ms. Kerlin said that secondary issues such as who will pay for the signs, etc. needs to be
286 determined and that could take a while.

287

288 Ms. Kerlin said that she and Elizabeth Kline worked on the historical state of the village
289 but it is currently on hold while Ms. Kline deals with illness in the family.

290

291 Ms. Kerlin said that the oldest cottonwood tree in the State of Ohio is located at the
292 corner in the Village of Cheshire on state parkland and she would love to have a park at
293 that corner. At a meeting with the representative she suggested this and concepts such as

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294 mountain bikes connecting to this area, people could buy ice cream at Sticky Fingers in
295 that area, and perhaps a rustic amphitheater could be built there. She will follow up with
296 the representative.

297

298 Mr. Armstrong said that the Corp is working on its comprehensive use plan for Alum
299 Creek State Park and they are in the design phase. She said that the township would need
300 to make a commitment to these concepts. She said that only three of the signs, north,
301 south and west, would be located on state park property; the sign approaching from the
302 east would need to be on private property.

303

304 Ms. Kerlin said that she and Mr. Armstrong tried to emulate the areas where the state
305 park already has its signs, which are typically set back from the road. Mr. Armstrong
306 added that they also tried to plan the correct distance from the current location of other
307 signs.

308

309

**AGENDA ITEM: REVIEW/UPDATE OF
COMPREHENSIVE LAND USE PLAN (CLUP)**

310

311

312

Review of CLUP Chapter 4: Goals Update

313

314

315

316

317

318

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321

322

Review of CLUP Chapter 11: Community Facilities

323

324

Schools

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326

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Enrollment Growth

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347

Figure 11.1 is Olentangy District Projected Enrollments

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349

350

351

352

Mr. Sanders reviewed Figure 10.2 Olentangy School District which indicated the
locations of existing and planned schools. Mr. Armstrong noted that a middle school will
be located at Sweeney and Curve Roads and not an elementary school, as shown on the
map.

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353

354 Current Facilities

355 Mr. Sanders said that page 91 includes a list of current schools, when they opened, and
356 their 2008-2009 enrollments and he reviewed them.

357

358 Olentangy Future Facility Needs

359 Mr. Sanders said this section includes information regarding anticipated future schools,
360 when they would be bonded, and when they would be opened. Based on a student yield
361 per current building configuration and DeJong-Healy grade level projected enrollments at
362 2014-15, the district confirms that there will be a need for four High Schools (one more
363 than anticipated in 1999), seven Middle Schools (three more than anticipated in 1999)
364 and 20 Elementary Schools (eight more than anticipated in 1999).

365

366 Funding for Schools

367 Mr. Sanders said that the funding for schools chapter is not much different than that from
368 the plan from 10 years ago but he has included additional information in this version. He
369 said he was surprised that the cost of educating a student in the Olentangy District in
370 2008 was \$9,187 and it would seem that figure would be higher due to tremendous
371 administrative costs. This compares favorably with other districts in the county including
372 Big Walnut at \$9,615, Delaware City at \$9,464 and Buckeye Valley at \$9,457. The
373 average state-wide is \$9,019.

374

375 Mr. Sanders said the Ohio Department of Education separates expenditures out into a
376 number of categories including Instructional, Building Support, Administration, Pupil
377 Support and Staff Support and that this information is presented per district and per pupil
378 at www.ode.state.oh.us. The most expensive school district is the South Bass Island
379 district at a cost of \$14,000.00 per student.

380

381 Mr. Sanders said that according to the DeJong-Healy Enrollment Projections Report, in
382 2006 a typical \$300,000 single-family home in the district would pay approximately
383 \$3,713.57 in taxes to the schools, based on the effective residential school-only tax rate at
384 the time of 35.367, which includes a 27.46734 operating millage and a 7.9 mil bond.

385

386 Mr. Sanders said there is a difference between the taxes generated by residential units and
387 what is actually needed to educate students living there. The DeJong-Healy report noted
388 that \$10,465 was needed per student in Operating and Bond as a result of recent growth
389 and the need for new facilities.

390

391 Mr. Sanders said that this report also estimated that for growth to truly “pay for itself,”
392 each new single-family home would need to be valued at \$659,426 and each
393 condominium would need to be valued at \$169,083. This is based on the assumption that
394 the typical single-family home generates, on average, .78 students per permit and the
395 typical condominium generated between .13 and .20 students per unit. He noted that
396 single-family homes generate more children than condominiums do.

397

398 Mr. Sanders said that additional sources of revenue are necessary to make up this
399 shortfall and some comes from the state of Ohio, federal aid, and from commercial real
400 estate taxes. The ODE website reports that in 2008, the district received \$7,060.00 per
401 pupil from local revenue, \$1,291.00 per pupil in state revenue, and \$242.00 per pupil in
402 federal revenue for a grand total of \$8,705.00 per student.

403

404 Mr. Hahn noted that these numbers haven’t changed very much since 2004-2005 and
405 every new home built in the district costs every other homeowner in the district about 35-
406 40 cents per home in increased taxes. Thus, 1000 new homes would cost each average
407 homeowner about \$350.00 per year to supplement and offset the added costs, plus
408 inflation. Mr. Sanders said that changes based on house value. Mr. Hahn said that the
409 annexation of properties to the City of Delaware will add 1600 more homes to the
410 Olentangy school district than would have been added under Berlin Township zoning,

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411 and this means an increase of about \$700.00 in taxes more per homeowner per year just
412 for those homes.

413

414 Mr. Sanders said that as density increases, there is a point at which the number of
415 students decreases per unit because apartments and condos produce fewer children than
416 single-family homes. Mr. Hahn said that another issue influencing the district is that
417 retired people cannot afford to live in these areas so they sell their homes to people with
418 children. Mr. Sanders said that is one reason why the district sees growth even though
419 housing starts have decreased, and also because young children currently living in homes
420 continue to grow and then go to school.

421

422 Effect of Land Use Planning on School Planning

423 Mr. Sanders said that the densities in area townships are low enough that Olentangy
424 schools never appear to complain about a rezoning request. However, they did protest
425 this when the city of Delaware annexed property in order to raise awareness. Cities and
426 villages have some additional authority to say that the growth of an area is happening too
427 fast for schools to catch up. Townships can use that as one factor but he is not aware of
428 any entity which has effectively denied a rezoning request because of an impact to the
429 schools. Even if they do, it can only be temporary.

430

431 The Olentangy School District has solved its short term funding problem with its most
432 recent levy. Berlin Township may use the schools as one additional indicator of critical
433 facilities that need to be monitored in making zoning decisions.

434

435 Archeology, Cemeteries and Historic Sites

436 Mr. Sanders reviewed Figure 11.3 Archeological Sites, Cemeteries and Historic Sites,
437 Berlin Township, which he said came from the Ohio Historical Society.

438

439 Historic Sites

440 Mr. Sanders said that the above-mentioned data indicates that there are no significant
441 historical sites listed on the National Register of Historic Places in the township. Many
442 of the cemeteries and archeological sites ended up in the Alum Creek Reservoir and were
443 probably discovered during the engineering work done prior to the flooding of the
444 reservoir.

445

446 However, that does not indicate that there are no historic places in the township. The
447 unincorporated village of Cheshire was platted in 1858 and it has a collection of older
448 structures, some of which may be appropriate for preservation and restoration. Also,
449 changes could be made to the existing Old Cheshire PUD overlay to ensure that any
450 redevelopment meets a number of architectural goals and standards.

451

452 There are several other scattered sites throughout the township where individual
453 structures are of an age and quality that might qualify for historical designation, if not on
454 a state level, perhaps at a local level. If certain styles, building details, and materials are
455 required the township could achieve what could eventually look like a more historical
456 area. That could be added to a project which would include sidewalks, streetlights, and a
457 signage system.

458

459 Mr. Sanders said he intends to provide sketches for the next chapter to indicate how the
460 infill could take place. This would also include setback requirements and parking
461 guidelines as well. He said one challenge may be the perception that people may be
462 limited in the future by these restrictions, but it won't really be as bad as people may
463 think.

464

465 Mr. Armstrong said that when the township worked on the OCPUD overlay it was an
466 uphill battle. It provided the capability to work on the residential lots in the area, and
467 people were very resistant because they were afraid they would be limited or their rights
468 taken away. However, the result was the opposite and actually gave them the ability to

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469 do more with their lots. Mr. Sanders said that any change is always a threat to some
470 people.

471

472 Mr. Sanders said that a few years ago articles were published about “ghost towns”
473 located in the township, which includes areas which were platted but nothing was ever
474 built. Berlin Station was a railroad town at the Conrail tracks with a grocery store,
475 sawmill, wagon-maker’s shop, church and a schoolhouse, and the grocery was in
476 business until 1940.

477

478 Ms. Kerlin asked if the information regarding Orange Township should be removed from
479 this plan. Mr. Sanders agreed that it should be removed.

480

481 Cemeteries

482 Mr. Sanders said that a small number of cemeteries exist in the township and the size,
483 ownership and type vary.

484

485 Libraries

486 Mr. Sanders said that the Delaware County District Library (DCDL) will soon begin
487 construction on a 34,000 square foot community branch at the north end of Gooding
488 Boulevard between Gooding and U.S. 23 in Orange Township and he provided additional
489 information. The plan was to complete the library in 2011; however, although a levy
490 passed for that construction, other changes have been made in the state’s budget which
491 affect the library. This branch library would be part of the county system which
492 maintains a large facility on Winter Street in Delaware and also branches in Powell and
493 Ostrander.

494

495 Hospitals

496 Mr. Sanders said that there are no hospitals located within Berlin Township. Grady
497 Memorial Hospital, the only hospital in Delaware County, and it is in the process of
498 constructing the Delaware Health Center near Route 23 on OhioHealth Boulevard.

499

500 Mr. Sanders said that more than one building is envisioned for this campus. Two
501 outpatient facilities serve southern Delaware County. Grady at Wedgewood and Mt.
502 Carmel OutPatient, both on Sawmill Parkway in Liberty Township serve Liberty
503 Township, Powell, and northern Franklin County. Both centers provide medical services
504 that do not require an overnight stay. A new Ohio State University Medical Center
505 including a number of medical offices and services is planned in the Olentangy Crossings
506 center to the south in Orange Township near the new Kroger in that area.

507

508 Mr. Sanders discussed Figure 11.5 Community Facilities, Berlin Township, which
509 includes schools and open spaces in the township. He added all the common open space
510 in subdivisions to a layer and put it in lighter green on the map. The main park is at
511 Alum Creek State Park, and he also included the land where the fire station is located, as
512 well as a possible park area at Cheshire Road and the railroad tracks which is from the
513 prior plan, and this can be discussed further during the recommendations review. The
514 Commission may wish to determine another location for a possible park area. He noted
515 that there is land just to the south in Orange Township along North Road which is
516 indicated in that township’s plan as a potential park.

517

518 Ms. Yorko asked about the different colors used on the figure and whether that indicates
519 whether they are open or proposed. Mr. Sanders said it was based on the type of school.
520 Ms. Kerlin noted that Freedom Trail Elementary is already open.

521

522 Fire Protection

523 Mr. Sanders said that the Berlin Township Fire Department 390 operates out of a new
524 facility located at 2708 Lackey Old State Road at the intersection of Cheshire Road. The
525 Fire Department provides includes one full-time chief, one full-time firefighter, a part-
526 time fire prevention officer and 17 part-time firefighters. Firefighters are trained in a
527 variety of areas including fire, EMS, Hazmat, fire inspection and fire investigation.

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528

529 Mr. Sanders said that Delaware County EMS Medic 10 is also housed in the Berlin
530 Township Fire building. The fire department has a number of goals pertaining to future
531 development. Staff goals include increasing the staffing level to provide on-duty
532 firefighters 24 hours a day, seven days a week.

533

534 Mr. Sanders said that the township fire chief would like to see the Zoning Code include
535 regulations that are not in the Ohio Fire Code but are allowed to be instituted by the
536 authority having jurisdiction, which would be zoning in this case.

537

538 Mr. Hahn suggested mentioning fire protection response times in the CLUP. In his
539 opinion, response times are somewhat shorter than Orange Township's were when they
540 went to 24-hours per day full-time staff.

541

542 Police

543 Mr. Sanders said that Berlin Township is policed by the Delaware County Sheriff's
544 Office (DCSO), which is headquartered in Delaware on S.R. 42. The Sheriff's office
545 currently has 92 deputies including command staff and approximately 60 cars. There are
546 fourteen deputy sheriffs on duty per shift.

547

548 Mr. Sanders said that Orange Township had asked that the calls be separated out by the
549 entity taking the call and by the type of call. However, he was not able to obtain such
550 information from the department.

551

552 Mr. Hahn said the table Figure 11.6 Sheriff's Complaints seems to indicate about two
553 complaints per day per deputy, and it seems to indicate that about half of a deputy's
554 workday is spent on paperwork and calls.

555

556 Mr. Sanders said that Orange Township has a sheriff substation located at the Walker
557 Woods sewage plants and they help pay some of the cost of housing the deputies there.

558

559 Mr. Hahn said that studies have been done which indicate that big box stores and fast
560 food restaurants cost a township more in social services than the taxes they bring in for
561 various reasons including a requirement for more police, lower hourly wages, a need for
562 more social services for employees because they don't make enough money, etc.

563

564 Mr. Sanders said that some big boxes can help generate business for other stores. Even
565 though Wal-Mart is seen as taking business away it can be part of a larger development
566 that has a variety of stores which have a bigger impact. He said that regarding social
567 services, it depends on where the employees live and where they decide to seek those
568 services.

569

570 Township Facilities

571 Mr. Sanders said that the prior plan indicated that the township shares its building with
572 the township fire department, and he felt that it should be indicated that has changed.
573 The Township Hall is located at 3271 Cheshire Road and includes several offices and a
574 sufficient public meeting area. With the growth of the township the facilities will
575 eventually need to be expanded, but he wasn't sure if plans were in place at this time.

576 Mr. Armstrong confirmed that the township has no plans to do so at this time.

577

578 Review of CLUP Chapter 12: Open Space and Recreation

579

580 Introduction

581 Mr. Sanders said that once the county started developing in the industrial revolution
582 many people ended up in bad situations in urban areas which have no open space and
583 people flocked out to the cemeteries because they were one of the few places people
584 could take a walk in nature. Someone developed the concept of a cemetery without all
585 the headstones, and that became the modern park. Many desirable communities in

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586 America has a significant park and recreation system as one of their building blocks and
587 the economic benefits of open space cannot be understated.

588

589 Mr. Sanders said that undeveloped land demands fewer community services and requires
590 less infrastructure. Parks rarely produce school children and given the evidence that
591 single-family housing rarely “pays its own way” through additional property tax
592 revenues, open space becomes an important part of a local government’s economic
593 outlook. There are also aesthetic benefits and parks are what people look for when
594 moving to a new community; it is a quality of life issue.

595

596 Mr. Sanders said that the Ohio Revised Code allows regional planning commissions to
597 allow for adequate and convenient open space, and also allows townships to zone for
598 sizes of yards, courts, and other open spaces.

599

600 Open Space Standards

601 Mr. Sanders said that The Subdivision and Site Design Handbook is considered a
602 planner’s bible for many accepted standards in subdivision review. In their chapter on
603 open space and recreation, they relate the following critical functions of open space:

604

- 605 ▪ Preserves ecologically important natural environments
- 606 ▪ Provides attractive views and visual relief from developed areas
- 607 ▪ Provides sunlight and air
- 608 ▪ Buffers other land uses and controls densities
- 609 ▪ Functions as a drainage detention area
- 610 ▪ Serves as a wildlife preserve
- 611 ▪ Provides opportunities for recreational activities
- 612 ▪ Increases project amenities
- 613 ▪ Helps create quality developments with lasting value

614

615 Photographs of examples of these in the township are provided in the plan.

616

617 Open Space Defined

618 Mr. Sanders said that open space is usually classified as undeveloped or developed, and
619 both types are needed in a community. The National Recreation and Park Association
620 (NRPA) has developed a set of standards for local developed open space which has been
621 included in an appendix in the CLUP. One table indicates how much land should be
622 required related to the number citizens, etc. and another indicates how much land is
623 needed for different types of sports.

624

625 Location of Parcels

626 Mr. Sanders said that it’s important to not just have one large park in the middle or on the
627 edge of an area, but to have some smaller parks interspersed throughout the township.

628

629 Alum Creek State Park

630 Berlin Township is blessed to have Alum Creek State Park as a major feature going
631 through the township at 8,874 acres within Orange, Berlin, and Brown townships, and
632 smaller portions of the park are located in Kingston and Genoa townships. That portion
633 of Alum Creek State Park within Berlin Township comprises an area of 2,532 acres, of
634 which 1,933 acres is lake.

635

636 Mr. Sanders reviewed Figure 12.1 Alum Creek Lake Opportunities, which indicates all
637 the features of Alum Creek State Park.

638

639 Future Recreational Needs

640 As Berlin Township grows it may wish to use the NRPA model, which surveys the
641 service area population to determine demand for different activities. Demand is then
642 converted to facilities needs and then to land requirements.

643

644 Undeveloped Open Space – Regional and Township Level

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645 Mr. Sanders said that the large amounts of undeveloped open space at Alum Creek State
646 Park should fulfill the complete need for undeveloped (passive) open space and a portion
647 of developed (active) open space on a township-wide basis; however, they do not replace
648 the need for neighborhood parks and township-wide parks with athletic fields for
649 organized sports.

650
651 Undeveloped and Minimally Developed Open Space – Neighborhood Level

652 Mr. Sanders said that just because on a neighborhood level there is passive open space it
653 doesn't mean small features or tot lots can't be provided. Mr. Armstrong said that
654 information regarding this is very important and should be placed into this CLUP and in
655 the zoning resolution that Developers are creating too much passive open space which is
656 not useful. Township surveys have indicated that residents would like to have more
657 usable park space, and that they don't consider Alum Creek State Park to count towards
658 this.

659
660 Mr. Armstrong said that residents want active uses such as baseball and soccer fields,
661 tennis and basketball courts, etc. Mr. Sanders said that should be requested up front
662 instead of later. Mr. Armstrong said that active open space should be required in the
663 zoning resolution. Mr. Sanders suggested perhaps a minimum number of houses which
664 trigger a certain percentage of open space. Ms. Kerlin said that higher density areas
665 should also be a trigger for that. Mr. Hahn said the availability of that kind of space can
666 be pointed out and it would increase the attractiveness of the homes in a development
667 prior to building.

668
669 Mr. Sedlacek said that when new developers come before the township, one of the first
670 questions the township should ask them is what they are willing to donate to the
671 township. Mr. Armstrong said that the requirement should be included in the zoning
672 resolution.

673
674 Ms. Kerlin said the Commission could start forming their opinions regarding what they
675 would like to see in the future. Mr. Armstrong said the open space requirement should
676 indicate a certain percentage of the open space is required. Ms. Kerlin said this would
677 also relate to connectivity within the township.

678
679 Mr. Armstrong said the zoning resolution simply specifies open space and what
680 percentage of that can be in high-slope areas, utility easements, etc. but there is no
681 requirement that a certain portion of that or any kind of a formula needs to be active
682 green space for the community.

683
684 Mr. Korleski asked if he was suggesting that for so many rooftops a ball field must be
685 built, etc. Mr. Armstrong said that for example there is a net green space requirement of
686 20% and some percentage of that should be required to be active recreational. Mr.
687 Sedlacek agreed and said that active open space could be negotiated with the
688 Commission. Mr. Armstrong said a percentage should be placed on it. Mr. Sanders said
689 that many zoning resolutions include that information and state that a certain percentage
690 of that amount can't be in the non-developable areas. However, that still doesn't
691 guarantee active recreational areas.

692
693 Ms. Kerlin said that perhaps language could be included regarding curbs and gutters in a
694 subdivision and what the outlook is for the types of subdivisions so other issues could be
695 avoided. Mr. Sanders said that could be discussed with development patterns at next
696 month's meeting. Mr. Hahn suggested that in addition to a percentage requirement a
697 minimum size be indicated as well. Mr. Sanders said a good example of why that should
698 be included is that sometimes open space is just 10' wide and counts towards the
699 percentage of open space, but it is not usable.

700
701 Ms. Kerlin said perhaps the language could indicate that the open space must be all
702 together.

703

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704 Mr. Sanders said that the open space requirement for new Planned Residential
705 Developments should be used to provide centrally located undeveloped and developed
706 open space within residential neighborhoods of suburban densities. To date,
707 approximately 134 acres of common open space has been platted within seven
708 subdivision projects.

709

710 Developed Open Space – Township-wide

711 Mr. Sanders said that there is about 2.5 acres of undeveloped area at the Berlin Township
712 Fire Station he said it would probably be possible to get a baseball and soccer field in the
713 outfield. Mr. Sedlacek asked to change the language to indicate a small baseball field
714 and two soccer fields because the township has determined that will fit on the property,
715 and also that the property is 4 acres in size. Mr. Sanders said that parking must be
716 provided and Mr. Sedlacek said the township has a preliminary plan which includes that
717 as well as a concession area.

718

719 Mr. Sanders said that ¼ mile circles could be indicated on a parks map to help give
720 guidance as to where the parks may end up being. Mr. Armstrong said that may be a
721 good layer for Mr. Sanders to put together.

722

723 Greenways

724 Mr. Sanders said that greenways are different than bike trails because greenways don't
725 necessarily have to have a trail going through it. An inexpensive way to provide
726 undeveloped open space is to assure the linkage of neighborhoods by greenways, or
727 corridors of natural or man made landscaped paths, and trails.

728

729 Greenways may be nothing more than a buffer of natural grass or vegetation thoughtfully
730 placed to connect some areas or camouflage others. Leisure trails can be incorporated
731 into greenways to give cyclists and walkers a safe and attractive path and greenway trails
732 can connect with a bikeway system that following major roads and connects schools,
733 parks and other public amenities.

734

735 Mr. Sanders suggested that the township may wish to connect many areas including
736 schools, services, township hall, fire department, park, Village of Cheshire via greenways
737 and/or bikeways of some kind. Easements for sewer, high-tension power lines, and other
738 utilities can be used for bike trails but can be difficult to obtain sometimes. However,
739 opportunities can still be had as developments come through.

740

741 Mr. Sedlacek said that the Commission would review chapters 4 and 13 at the next
742 meeting in October.

743

744 **AGENDA ITEM: STATUS REPORT FROM SUB-COMMITTEES (CONTINUED)**

745

746 Expanded Home Occupations

747 Mr. Hahn said the issue most likely to be discussed is the number of employees per
748 business. He and BZA chairperson Mike Morrill met with assistant Delaware County
749 prosecutor Chris Betz and his biggest concern was that if the use's regulations are left too
750 ambiguous, that would required too much of a judgment call in zoning and the courts will
751 usually interpret an issue in favor of the property owner.

752

753 Mr. Hahn said that Mr. Morrill, Mr. Betz, and he came up with a table which was
754 included in an email he sent earlier. He said he has heard that some BZA members were
755 concerned about it being nailed down this far and they would like to see more flexibility
756 in making the decision. The question the Commission will need to consider is in Section
757 21-116 B which states that the number of allowed non-resident employees shall be
758 limited to the following employees, and the table was very ironclad.

759

760 Mr. Hahn said the issue is how to allow for flexibility in decision making while wording
761 it so it can stand up in court. The Commission is not required to adhere to the county
762 prosecutor's recommendation and it can allow more flexibility by the BZA. He said he

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763 would not object to allow more flexibility, but he wondered how that could be worded to
764 allow the BZA more flexibility, and he asked for more input.

765

766 Mr. Sedlacek asked that the Commission consider the table and submit their opinions to
767 Mr. Hahn. Mr. Hahn said that members of the public, including the BZA, are also free to
768 submit their ideas.

769

770 Mr. Leahy said that his property is about 1.89-1.95 acres in size and per the table that
771 would limit his business to a maximum of 2 non-resident employees with no flexibility to
772 allow 3 if it would work. Mr. Hahn said perhaps the BZA could consider the size of the
773 surrounding properties when considering use; for example, if the surrounding properties
774 are all 2 acres or larger the proposed use may be less intrusive than if the use was located
775 in a subdivision with very small lots. Mr. Leahy said the proposed table is just as
776 inflexible as the current regulations.

777

778 Ms. Korleski asked what was wrong with the proposed wording which was all crossed
779 out. Mr. Hahn said Mr. Betz felt that the language was too vague and left it wide open to
780 appeal. The compromise is probably somewhere between the table and the existing
781 language.

782

783 Ms. Korleski said that to use it as a sole factor in making that decision doesn't make
784 sense. Mr. Korleski said there must be a compromise. Ms. Kerlin asked whether, in
785 addition to the table, a percentage is provided for, to be determined by the BZA. Mr.
786 Korleski said some flexibility should be provided. Mr. Sedlacek said that it makes sense
787 that home occupations could be less intrusive on larger lots. He noted that such a use
788 could also include such uses on flag lots where the house is so far back it can hardly be
789 seen from the street.

790

791

AGENDA ITEM: COMMENTS FROM THE ZONING INSPECTOR

792

Used Car Dealers

794 Mr. Armstrong noted that the following information is not related to the with the Byers
795 Kia requests.

796

797 Mr. Armstrong said that a question has risen concerning used car dealers in the township
798 and the zoning resolution and he distributed a brief document explaining it. He has had
799 some inquiries involving this.

800

801 Mr. Armstrong said that new car dealers are included as a permitted use in the PID
802 (Planned Industrial District), and are designated by NAISC (North American Industry
803 Classification) Code # 44111. This code comprises establishments engaging in selling
804 new cars, or establishments selling both new and used cars. The zoning resolution does
805 allow under other codes the sale of other types of motor vehicles including as boats, RVs,
806 motorcycles, etc.

807

808 Mr. Armstrong noted that the zoning resolution currently does not have as a permitted
809 use any provisions for a used car dealership in any zoning district. The NAISC code for
810 used car dealers is 441120. He asked the Commission to consider soon whether used cars
811 dealers should be added to the zoning resolution, in case an applicant comes forward with
812 an application for such. If that happens, the township will be dealing with the county
813 prosecutor.

814

Permitted Uses in the PID and PCD

816 Mr. Armstrong said that discussion regarding used car dealers brought up a related
817 discussion and Mr. Sedlacek asked him to compare the PID and the Planned Commercial
818 and Office District (PCD). The PCD is the highest zoning district in the township and
819 there are a number of functions in the PCD which are not in the PID such as electronics
820 and appliance stores, food and beverage stores, personal care stores, etc. He distributed
821 the list of NAISC codes listed as permitted uses in the PCD and said that the items circled

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822 do not appear in the PID. He noted that some of these items may not be something which
823 somebody may wish to include in a PID, while others are.

824

825 Mr. Armstrong said the zoning office has had several inquiries regarding this in the
826 recent past and there is some business interest in commercial development projects in the
827 township. He requested that the Commission consider this as well soon.

828

829 Wind Turbines

830 Mr. Armstrong said that nothing is going on in Berlin Township regarding wind turbines,
831 although there are some going up other places. He said the Commission needs to take
832 this issue up and give him direction on how he should handle the issue.

833

834 It was noted that the review of the recommendations portion of the CLUP will be lengthy.

835

836 Mr. Sedlacek noted that the next BZC meeting has been scheduled for Tuesday October
837 13, 2009 at 7:00 PM.

838

839

SYNOPSIS

840

841 Accomplished

842 ➤ CLUP Chapters 11 Community Facilities and Chapter 12 Open Space and Recreation
843 were reviewed.

844

845 Future Work

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

847 ➤ At the next BZC meeting on 10/13/09 at 7:00 PM, Chapter 4 Goals Update and
848 Chapter 13 Costs of Services and the Community Vision of the CLUP will be

849 reviewed

850

851 The next BZC meeting will be on Tuesday October 13, 2009 at 7:00 PM at the Berlin
852 Township Hall.

853

854 There was no further business to come before the Commission. Motion to adjourn.
855 Meeting adjourned at 9:22 PM.

856

857

Rick Sedlacek, Chairperson

858

859

Jim Hahn, member

860

861

Rae Ann Kerlin, member

862

863

Kristin Yorko, member

864

865

Betty Bringardner, first alternate seated

866

867

868 Attest: _____

869 Lisa F. Knapp, Berlin Township Zoning Clerk