

BERLIN ZONING COMMISSION

Regular Meeting

February 3, 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 Rick Sedlacek at 7:00 PM.
7 Ms. Yorko led the meeting attendees in the recitation of the Pledge of Allegiance.

8
9 BZC Members Present: Rick Sedlacek, Jerry Valentine, Kristin Yorko, Rae Ann Kerlin,
10 Betty Bringardner- first alternate

11 Absent: Jim Hahn

12
13 Mr. Sedlacek asked the following people be kept in the Commission's thoughts:

- 14
15 ♦ Mr. Hahn and his wife, who recently had heart bypass surgery, then had
16 complications, and she is still in the hospital.
17 ♦ Ms. Knapp's father, whose house burned down last Wednesday. Fortunately, nobody
18 was hurt.

19
20 Mr. Sedlacek read the adopted policy statement as printed in the agenda for the meeting.

21
22 Meeting Attendees Who Signed In

- 23 ♦ Elizabeth Kline, 5540 Bayside Ridge Drive, Galena, OH 43021
24 ♦ Joe Korleski, 3584 Greenville Drive, Galena, OH 43021
25 ♦ Toni Korleski, 3584 Greenville Drive, Galena, OH 43021
26 ♦ David Leahy, 1484 Dale Ford Road, Delaware, OH 43015
27 ♦ Jackson B. Reynolds, III, attorney with Smile and Hale, 37 W. Broad St., Suite 725,
28 Columbus, Ohio
29 ♦ Mike Shade, attorney for Shade & Shade 41 N. Sandusky Street Suite 410, PO Box
30 438, Delaware, Ohio 43015
31 ♦ Bob Ryan, Porter Township trustee, 12630 Monkey Hollow Road, Sunbury, Ohio,
32 43074

33
34 **APPROVAL OF MINUTES**

35
36 Ms. Kerlin made a motion to approve the minutes from the January 13, 2009 BZC
37 meeting, as presented at this meeting. Mr. Valentine seconded the motion. All in favor
38 say, "aye," all opposed signify with same sign. No opposition, motion carried.

39
40 **PROOF OF LEGAL NOTICE PUBLICATION**

41
42 Zoning Clerk Lisa Knapp provided proof of publication for the legal notice for this
43 meeting, which was published in the January 21, 2009 Delaware Gazette, providing
44 notification of the meeting date and time, and items for discussion.

45
46 **LEGAL NOTICE**

47
48 **BERLIN TOWNSHIP ZONING COMMISSION NOTICE OF PUBLIC MEETING**
49 The Berlin Township Zoning Commission will hold a meeting at 7:00 p.m. Tuesday,
50 February 3, 2009. The meeting will be held at the Berlin Township House, 3271 Cheshire
51 Rd., Delaware, OH. The purpose of the meeting is to continue discussion of the home
52 occupation and signage issues from the Business Community Forum. Additionally,
53 discussions will start on the methods and procedures for revising the text of the Berlin
54 Township Comprehensive Land Use Plan (CLUP). The Commission will also address
55 any other business brought before them. The person responsible for giving notice of the
56 public meeting by publication is Cathy Rippel. Questions concerning this matter should
57 be directed to the Zoning Office at 740-548-5217. Township residents are encouraged to
58 attend.
59

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60 Berlin Township Zoning Commission
61 Rick Sedlacek, Chairman

62
63 **OTHER BUSINESS**

64
65 **INFORMATION FROM MEETING ATTENDEES**

66 Mr. Sedlacek invited the meeting attendees to provide information regarding their interest
67 in the township and why they came to this meeting.

68
69 Mr. Leahy said he has a home occupation and he is interested in everything that is going
70 on in the township.

71
72 Mr. Korleski said he serves on the township Board of Zoning Appeals, and he is
73 interested in seeing this community continue to develop into something beautiful.

74
75 Ms. Korleski said she wanted to get involved in the updating of the township land use
76 plan.

77
78 Ms. Kline said she is very interested in the land use plan update because she is an
79 environmental consultant and also has a new home-based business.

80
81 Mr. Ryan said he is a Porter Township trustee and is attending to get good ideas for the
82 zoning resolution in Porter Township.

83
84 Mr. Shade and Mr. Reynolds are local attorneys who were in attendance to discuss some
85 items on the agenda.

86
87 **CONSIDER REQUEST FOR A 3-YEAR EXTENSION OF THE PRELIMINARY**
88 **DEVELOPMENT PLAN FOR BZC #07-004**

89 Jack Reynolds, attorney with Smile and Hale, 37 W. Broad St., Suite 725, Columbus,
90 Ohio, and Mike Shade, attorney with Shade & Shade, 41 N. Sandusky Street, Suite 410,
91 PO Box 438, Delaware, Ohio, 43015, were present to represent the current property
92 owner, B & N 2005, LLC.

93
94 Mr. Reynolds said he sent a letter to the township dated 1/12/09 requesting a 3-year
95 extension of the approved preliminary development plan associated with BZC #07-004 at
96 5491 Columbus Pike, Lewis Center. This property was owned by Peter J. Manos, trustee,
97 at the time of the original rezoning into the planned district about 3 years ago via BZC
98 #05-011 (original case); that was a two-fold request and included both the zoning
99 classification and the development plan for the property. During the first years after the
100 approval, a parallel road was brought up to Peachblow Road, so Delaware County
101 officials requested that the property owner realign a road so that it provided access to the
102 Hedrick property.

103
104 Mr. Reynolds said he appeared before the township in January and February 2008 to have
105 a preliminary development plan approved via BZC #07-004 (new case). This was
106 approved by the trustees on 2/11/08 and so would expire on 3/13/09. He is now
107 requesting a 3-year extension of the rezoning; as a result of negotiations which have been
108 ongoing with the county, the property owner is working to bring a sewer line to the site to
109 allow for the development of a large amount of property which is over 1600 acres. The
110 sewer line is currently located on Hyatts Road near the Olentangy River, and it ultimately
111 needs to be extended up to Hyatts Road, crossing Route 23 and coming up to serve the
112 site.

113
114 Mr. Reynolds said that Mr. Shade has been working with the county commissioners and
115 the Delaware County sanitary engineer in order to devise a plan to extend the line up to
116 serve the area. He has requested a 3-year extension of the application because of the
117 extensive nature of extending the sewer line. The property will not become marketable
118 until sewer is available on the site for its ultimate development. He noted that no other
119 changes to the application would be made.

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120

121 Mr. Reynolds said this is the preliminary development plan, not the final development
122 plan, which would have to come before the Commission and the trustees for approval in
123 the future.

124

125 There were no questions from the Commission, except from Mr. Sedlacek. He said that
126 typically the Commission reviews requests for one-year extensions, and he asked if the
127 applicant was certain of the sewer timeframe. He also asked how the extension of the
128 sewer line would benefit the township.

129

130 Mr. Shade said he spent over a year examining routes for the sewer line, and has worked
131 very closely and carefully with the sanitary engineer's office, which had different ideas
132 regarding the area they would like to be served by the line. He said that when the Greif
133 Brothers Park was built, the sewer line wasn't a sufficient size to extend east beyond
134 Route 23. Many different concepts had been considered, which he described in detail,
135 and the final proposal was to come up Route 23. However, a minimum 18" sewer line
136 would be required. The pathway of the sewer line has now been decided, and all the
137 easements along Hyatts Road and on both sides of Route 23 are being held and are
138 assignable to the county commissioners in the future when the sewer line is installed.

139

140 Mr. Shade said that local governments are supportive of extending the sewer line, but
141 funds are not available at this time. Delaware County officials have offered alternatives,
142 but his client was not interested in those options. His client hired a firm in Columbus to
143 pursue state monies for the project under water and sewer acts, which could be about \$2
144 million and will service the areas from Shanahan Road on the south to Peachblow Road
145 to the north, and from the railroad tracks to Route 23. Every parcel in that area has the
146 potential to be served by the sewer.

147

148 Mr. Shade said that a situation which exists in Berlin Township where a system has been
149 designated as a failed system and it needs to be connected to the sewer service. The Ohio
150 Environmental Protection Agency is very supportive of the sewer line being extended as
151 soon as possible. However, this is very expensive and would be a difficult cost for a
152 developer to bear. Typically, the county will provide taps in exchange for the developer
153 paying to extend the line, but this project won't generate enough taps to pay for it.

154

155 Mr. Shade said that creative solutions are being considered. For example, one of the
156 principal owners of the subject property has indicated a willingness to fund the entire
157 project upfront and then be repaid; however, the way s/he would be paid back still needs
158 to be determined, and negotiations are being held to determine this. He said that Berlin
159 Township will probably be the biggest beneficiary of the sewer extension, but it will also
160 benefit Orange and Liberty Townships. The final engineering has not been done, but the
161 course for the line has been selected, the easements have been obtained, and those
162 property owners who didn't want to participate have been worked around. He noted that
163 the sewer line will be as deep as 60' near the Olentangy River, and even deeper close to
164 Route 23. Mr. Reynolds said the timing is important, and it will take time to have it
165 approved by various state and local entities, as well as installing it, which will take a lot
166 of coordination and a lot of time.

167

168 Mr. Shade said that the project has received positive reception from the county sanitary
169 engineer's office, as well as the county commissioner's office, and they are aware that it
170 is important to the growth and development of this area. The project will also provide
171 work during the slow economy.

172

173 Mr. Sedlacek asked how large the pipe would be. Mr. Shade said it would be 18" in
174 order to serve a very large area, which he described in detail.

175

176 Ms. Kerlin asked what the subject property would be used for. Mr. Reynolds pointed out
177 the area along Route 23 which is commercial, and it has been divided into 5 different lots
178 for ultimate commercial development. There will be a public road which extends back
179 into a condominium development which will have a circular road system which services

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180 the units, and a small clubhouse with a pool, which he pointed out. He said there will be
181 a lot of green space. Ms. Kerlin asked if the property behind it would be developed in the
182 same manner. Mr. Reynolds said the property is owned by Don Kenney, who owns large
183 pieces of property in the area. The implementation of building the road was discussed by
184 the major property owners.

185
186 Mr. Sedlacek said the work which was done on the road was exemplary. Mr. Shade said
187 that when the sewer was sized, discussions were held with Mr. Armstrong regarding the
188 current plan and zoning for the area, and that determined the size of the sewer. That
189 information was brought back to the county engineer's office.

190
191 Mr. Sedlacek said that it is extremely difficult for drivers entering and exiting the existing
192 trailer park in that area, and a development which would complete that road and provide
193 access to the north would be beneficial. Mr. Reynolds said that would happen eventually.

194
195 Mr. Reynolds said the current preliminary zoning plan expires on 3/13/09, and he is
196 requesting an extension to 3/13/12. Mr. Sedlacek asked if that would be sufficient time.
197 Mr. Reynolds said that if necessary, the applicant will come back before the Commission
198 for another extension. If the sewer hasn't been extended, that would create a delay. Mr.
199 Shade said he is pushing the situation because if this doesn't happen, he doesn't know
200 when the sewer would be extended. Also, it is exceptional that all property owners
201 granting easements did so on a volunteer basis and were not paid for the easements. Mr.
202 Shade noted that the largest property owner, Episcopal Homes, also agreed. The area
203 will be a mixed use of commercial and residential developments, and the area along
204 Route 23 will be commercial.

205
206 Ms. Yorko asked if a 3-year extension has ever been granted in the past by the township.
207 Mr. Armstrong said they are typically granted for one year based on the applicant's
208 statement or lack of appearance at the meeting. In this situation, he is comfortable with
209 granting the 3-year extension.

210
211 **Resolution 09-02-03-01 Grant 3-Year Extension for Preliminary Development Plan**
212 **for BZC #07-004**

213 Ms. Yorko made a motion to grant a 3-year extension of the preliminary development
214 plan for the property at 5491 Columbus Pike, application BZC #07-004, with a new
215 expiration date of 3/13/12. Mr. Valentine seconded the motion. Vote: Yorko, yes;
216 Valentine, yes; Kerlin, yes; Bringardner, yes; Sedlacek, yes. Motion carried.

217
218 **INFORMAL DISCUSSION REGARDING POTENTIAL FOR STUDENT HOUSING**
219 **AT 5491 COLUMBUS PIKE PROPERTY**

220 Mr. Reynolds said that Columbus State is building a new facility in the Greif Brothers
221 development, and the property owners of 5491 Columbus Pike have considered the
222 opportunities for development of their property. Preliminary discussions were had with
223 Mr. Armstrong and Commission members to obtain a feeling for a proposal to possibly
224 bring student housing to this site. In order to build viable student housing, a density
225 would be required which is higher than that currently allowed in the zoning resolution,
226 which is 5 units per acre.

227
228 Mr. Reynolds said a density of 12-15 units per acre would be proposed for the project,
229 and during the informal meeting it was asked if that type of density would be possible for
230 this type of product. The plan is to keep the commercial development out at the front,
231 then split the residential property to the rear and use half for elderly housing, and the
232 other half would be used for student housing. During the informal discussions, he was
233 asked what type of housing would be proposed, and the type of housing would be similar
234 to that for the Fisher Commons development on the Ohio State University (OSU)
235 campus. It was developed by Edwards Communities and it is associated with OSU and
236 its Fisher School of Business.

237
238 Mr. Reynolds provided documents regarding Fisher Commons, which included one and
239 two bedroom floor plans and pictures of the property. The building is a 3-story structure

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240 which has an all-brick exterior, and includes an office which is operated 24 hours per
241 day, as well as some garages. He said the documentation includes 6 buildings with a total
242 of 120 units.

243

244 Mr. Reynolds said the property owner would like to know the Commission's opinion
245 regarding part of the residentially-zoned property being developed similarly to the Fisher
246 Commons development. This would be some type of planned district, or perhaps an
247 "exception of use district." He said the applicant would be willing to go through the
248 entire rezoning process again, including providing a detailed plan which commits to the
249 style of building, density, etc. and providing as much details as possible to alleviate
250 concerns regarding the continued use of the structures and its association with Columbus
251 State Community College.

252

253 Mr. Reynolds asked the Commission for direction; he asked if the Commission would be
254 willing to consider the proposed concept, and he asked to hear their concerns. He asked
255 what would need to happen in order to continue to move forward with this type of
256 development in the community. He is aware that in the recent past, the township has
257 approved developments with a density of up to 5 units/acre, so the proposed 12-15
258 units/acre would be dense; however, that type of density can be done well, and the
259 property owner would have good-quality development which would serve both the
260 community and the students which would attend Columbus State.

261

262 Mr. Sedlacek said that sometimes an applicant meets informally with the Commission
263 prior to submission of an application, in order to obtain ideas which may help the
264 applicant decide whether to apply and also the details of the project. Mr. Armstrong
265 emphasized that this is an informal process to obtain public and Commission input. Mr.
266 Reynolds said it is "starting the ball rolling," and this can't be done without the
267 Commission's input. This is an opportunity for the property owner to ask the
268 Commission whether it would be interested in the proposal, and if it is, the property
269 owner will continue the process and submit detailed plans.

270

271 Mr. Sedlacek said he had some major questions about the proposal. Is there a need for
272 this type of development? He said that CSCC has a relatively transient student
273 population, and he asked if Mr. Armstrong has research available regarding that. Mr.
274 Armstrong said he talked to the facilities coordinator at Franklin University, which uses
275 the Floyd Browne Group building located at Cheshire Road and Route 23, and which is
276 planning to expand in the future. The representative was adamant that it is a non-
277 traditional college, specifically for the working adult who is already established, and he
278 saw no need or demand for student housing.

279

280 Mr. Armstrong said he asked the same questions of the facilities director of CSCC, who
281 was out of town until 2/9/09, so he has not obtained feedback regarding that yet. Mr.
282 Shade said that CSCC decided to move to this area, and Berlin Township may become an
283 educational hub. There currently exists a working relationship between OSU and the
284 Delaware Area Career Center, and there may be a consolidation of the OSU branch in
285 Orange Township. Also, Ohio Wesleyan University has maintained a strong enrollment,
286 and there is a shortage of off-campus housing.

287

288 Mr. Shade said that for people who work during the day and go to class in the evening,
289 the proposed student housing would save students time because they could come home
290 after work briefly and then go to class. He felt there is a real potential for this type of
291 development which has not been given much consideration to yet.

292

293 Mr. Shade said that many colleges have changed to provide services to more non-
294 traditional students who attend school during the evening and at night. He said his wife
295 is a professor at Ohio Wesleyan and that she sees a need for this type of housing.

296

297 Mr. Sedlacek said it seems that Mr. Shade is stating that he has a feeling that there is a
298 need, but that he is in the process of determining and proving that there is a need. He
299 asked if that would be done prior to application. Mr. Reynolds said that the research

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300 would be done prior to application, and the text and plans would be written and devised
301 so that the development is identified as student housing. He is aware that the community
302 doesn't want additional, traditional apartments with families, so the property owner's
303 concept will be to target this market and show the community that the development will
304 not burden the community with the proposed development.
305

306 Mr. Sedlacek asked how many students there would be per unit. Mr. Shade said there
307 would be one and two-bedroom apartments available. Mr. Reynolds said that
308 information could be provided and discussed if a rezoning is pursued, and he is aware
309 that there may be concerns about the area turning into a traditional campus area where
310 perhaps 6 people share one apartment, resulting in an uncontrolled environment. To
311 prevent that type of situation, the property owner proposes a more "up-scale"
312 development, because nobody wants to bring that type of problem into Berlin Township.
313 He said the property would be operated and monitored 24 hours per day.
314

315 Mr. Sedlacek asked if he had spoken with Berlin Township Fire Chief Bill Beckstein in
316 regards to providing fire services. Mr. Shade said there have been preliminary
317 discussions, but the end result is not known yet as many of the details have not been
318 submitted. Mr. Reynolds said that additional information would need to be provided to
319 Chief Beckstein, and the number of stories would be very important. He noted that the
320 presented renderings include a very attractive 3-story building. The property owner
321 would be required to work with the fire department to ensure that fire protection could be
322 provided.
323

324 Ms. Kerlin said that the presenter had mentioned that he was working with the county
325 sanitary engineer regarding capacity of the sewer, and that the density would be greatly
326 increased, resulting in additional capacity for this property. Mr. Shade said that the
327 property behind the subject property has extensive office and commercial development.
328

329 Mr. Armstrong said that in the township's Comprehensive Land Use Plan, there is a large
330 area which extends to the railroad tracks and which has been designated as either planned
331 commercial or planned industrial development. Mr. Sedlacek asked if the property abuts
332 residential property to the east. Mr. Reynolds said the area is currently farm property, but
333 it is planned to be commercial and industrial in the future. Ms. Kerlin said she wanted to
334 make sure that allowing higher density in one area would result in other parts of the
335 township not being able to be served by sewer services.
336

337 Mr. Reynolds said the engineer who did the calculations could be asked about that. Mr.
338 Shade said that the fire codes must also be adhered to, including for water availability.
339 Mr. Reynolds said that a loop system would need to be installed for this project at the
340 request of the fire department.
341

342 Mr. Valentine said that his first impression is that there will be retired people living in
343 condos in one area, and then apartments with partying students on the other side of the
344 railroad tracks. Mr. Reynolds said he is trying to remove the project from that
345 perception, and a "community" type of lifestyle is desired for the development. He said
346 that typically, senior citizens have a calming effect on the area. Mr. Sedlacek said he
347 understands that the project would be intended to not be typical student housing, but the
348 mix of retired people and students is an unusual mix.
349

350 Mr. Valentine had concerns about the active traffic patterns and types of cars in the
351 student housing area, in contrast to the senior citizen housing area, and he said he would
352 like to see more detailed information regarding that.
353

354 Mr. Shade said that the educational world is changing and is inter-generational now;
355 some people living in the "retirement area" may attend classes. He noted that in the
356 greater Phoenix area, there is a mixture of retirees and young people, including on
357 campus. Also, the CSCC may have theater centers, etc. and programs offered for people
358 in the greater community.
359

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360 Ms. Kerlin asked if the attorneys were aware of the permanent plans of CSCC. Mr.
361 Shade said he didn't think the school planned to relocate from its current downtown
362 maintenance complex, but it has purchased a large amount of acreage, about 140 acres.
363 Ms. Kerlin said that CSCC offers many associates' degrees, and that may make it less
364 likely that students would move to the proposed student housing community to attend
365 CSCC, compared to those who attend 4-year colleges. Also, the upscale-style apartment
366 housing may not be affordable to this group of students.

367
368 Ms. Kerlin said that she shared the thoughts expressed earlier regarding the mixing of the
369 age ranges, but she liked the idea of having senior housing as it would help bring in
370 additional businesses which would provide services such as doctor's offices, etc. rather
371 than perhaps another fast-food restaurant.

372
373 Ms. Kerlin said that OSU does have a small campus currently located in Orange
374 Township. Mr. Shade said that OSU may seek additional space in the future. Ms. Kerlin
375 said the proposal overall seemed like a good idea, although the density may be too high.

376
377 Ms. Bringardner commented that Ohio Wesleyan has seniors, including some of her
378 friends, and also college students living in the same building and it works very well -
379 everybody gets along wonderfully. Mr. Shade added that the building is called "Austin
380 Manor" - it used to be a dormitory and was converted to apartments. There is an
381 interesting blend of seniors and other members of the community, and it has worked very
382 well by adding stability to the community.

383
384 Mr. Valentine had questions about the sizing, and he asked where CSCC would be
385 located in relation to the proposed student housing. Mr. Reynolds said it would be almost
386 right across Route 23, and he pointed it out on the exhibit. There was a discussion about
387 building bike trails to the high use areas. Mr. Shade said that in Columbus and its
388 suburbs, systems have been tied together by trails, and tying into the township could
389 possibly be discussed during the review of the comprehensive land use plan.

390
391 Mr. Armstrong asked how the development would be controlled as "student housing" and
392 retirement housing, and said it could possibly be done as restrictive covenants. He asked
393 what would happen to the development if the student housing ends up not working out,
394 the college moves, etc. He asked how one would commute between housing and one of
395 the school campuses without having to drive, and he asked how the plan could allow for
396 walking to school. He said thought should be given to this before the roads, etc. are built.

397
398 Mr. Shade said that the Ohio Department of Transportation (ODOT) wants to have
399 pedestrian crossings on Route 23. However, local governments oppose this for safety
400 reasons. Mr. Sedlacek said a bridge or tunnel would be safer.

401
402 Mr. Korleski asked if the attorneys had done studies on the impact such high-density
403 developments would have on the school system. He said a 2-bedroom apartment could
404 have a family with kids, and bringing additional children into the school system will
405 ultimately raise taxes. Mr. Shade said text limiting language to govern how the property
406 will be used so its use is mostly limited to student housing for college-level students and
407 possibly graduate school students.

408
409 Mr. Shade said that the reality is that the concept of single-family housing has changed,
410 and he can furnish reports and data which state that 40-60% of home buyers in American
411 would no longer qualify for single-family housing due to what has occurred in the last
412 two years.

413
414 Mr. Reynolds said that the intent is to attract only college students, and he would do
415 everything possible to ensure that the development doesn't add more students to the local
416 school system. That is one challenge that must be met. The housing will be temporary;
417 students will sign a lease for the period when they are in school, then they graduate and
418 move on. Mr. Shade agreed and said that typically a student would live in the apartments
419 for 1-4 years.

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420

421 Ms. Kerlin asked if there was an intention to have an agreement or contract with CSCC to
422 funnel their students to this housing. Mr. Reynolds said the desire is to make that contact
423 and align themselves with the schools in the area.

424

425 Ms. Korleski said that 120 units and 6 buildings were mentioned, and she asked how
426 many students would be served, and whether the effort would be worthwhile for that
427 number of students, especially because it will be a transient population. She said the
428 language will have to be very restrictive in order to have the end result be as intended.

429

430 Mr. Shade said he appreciates the input at this meeting and much work remains to be
431 done, but it first needs to be determined whether the Commission would even support the
432 concept. Ms. Korleski asked if the residents of the development would be able to use the
433 new recreation center. Mr. Reynolds said that different populations have different needs.
434 Ms. Korleski said the retirement community may not be as appealing to senior citizens if
435 the student housing is planned for the area as well. Mr. Reynolds said that is difficult to
436 determine, and that some seniors may appreciate the liveliness of the development.

437

438 Mr. Reynolds said a high-tension power line runs through the center of the site which
439 serves as a “natural” divider between the two developments, and there will also be green
440 space between the two uses.

441

442 Ms. Kline said she is an adjunct instructor at a proprietary college, and she said that
443 college students seeking associates degrees are a different population than those seeking
444 bachelor’s and graduate degrees. Many of her students are single parents with children,
445 and she wasn’t sure how a college student would be defined. Frequently it seems that
446 housing begins as student housing, but then later becomes low-income housing.

447

448 Mr. Reynolds said it would need to be determined what avenue is available to construct
449 this type of development, and a zoning classification which is not currently available in
450 the zoning resolution would need to be developed, perhaps as an exceptional use which
451 allows the development to be built within certain parameters. If the development were to
452 devolve over the years, it would be in violation of the applicable zoning resolution and
453 could be shut down via enforcement.

454

455 Mr. Sedlacek said the zoning resolution doesn’t currently allow for the proposed use, so
456 the zoning resolution may need to be changed. Mr. Armstrong said that an exception
457 district may be the best solution, and the details would be defined in the application. This
458 would probably be simpler than attempting to include a separate zoning district in the
459 zoning resolution. This needs to be further investigated if desired.

460

461 Ms. Bringardner said the term “elderly” would need to be defined. Mr. Reynolds said the
462 term is “senior housing” and the federal government recognizes categories of ages 55 and
463 over and 65 and over for housing purposes, and defining the type of population can be
464 investigated by the property owner prior to any application.

465

466 Ms. Kerlin asked what the monthly rent would be for the units. Mr. Reynolds said he
467 was not sure yet. Ms. Kerlin asked if they would be rent-controlled or low-income
468 housing which requires qualification.

469

470 Mr. Shade said that restrictions can be placed on a property as long as they are not against
471 one of the restricted classes guaranteed by the constitution; there are some restrictions
472 which can be put into place which need to be determined.

473

474 Mr. Shade noted that there is a very limited area where a development such as this
475 proposed development would be functional – it must be close to an educational facility.

476

477 Mr. Sedlacek provided the following summary (questions and comments) of the
478 discussion:

479

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480 Questions:

- 481 1) Is there a real need for this type of development?
482 2) How many students are expected to live in the development?
483 3) Will there be adequate fire coverage for the development?
484 4) Will the development negatively affect the sewer capacity?
485 5) How will the student population be mixed with the senior citizens?
486 6) How large will the CSCC campus be, will it be upscale, and what kind of mix will
487 there be?
488 7) What will the sizing be? How far will the development be from the colleges, and
489 will there be a trail or busses to provide access?
490 8) How will housing be controlled so that only students can live in the development?
491 9) How would subleasing to non-students be prevented? A very strong enforcement
492 plan would need to be put in place if an application is brought for consideration.
493 10) What would the length of leases be?

494

495 Comments

- 496 1) The zoning resolution doesn't currently allow for the use being discussed, so
497 either it would need to be changed or an Exceptional Use District would be
498 created.
499 2) Define "senior housing" and the type of population this refers to.
500 3) Ohio State University has a campus to the south of this area.
501 4) Ohio Wesleyan University has a mix of senior and traditional students and this
502 has worked out well.

503

504 Mr. Sedlacek said the Commission doesn't seem to be against the proposal but there are
505 many questions, and many more details would be required in the application. The
506 Commission is open-minded regarding the concept, but they have many concerns,
507 questions, and issues because the concept is new.

508

509 Mr. Reynolds thanked the Commission for their input and said he will be working on
510 getting more information regarding the issues and questions which the Commission has
511 raised. Mr. Sedlacek recommended that Mr. Reynolds and Mr. Shade get a copy of the
512 minutes from this meeting from the Zoning Clerk to aid with that.

513

514 **AGENDA ITEM – DISCUSSION OF PROPOSED**
515 **ZONING RESOLUTION CHANGES**

516

517 Mr. Armstrong said that he recently learned of some updates to Ohio law at the recent
518 training meeting by the DCRPC. Currently, the zoning resolution states in Section
519 27.01, 9th paragraph that:

520

521 "Within twenty (20) days after such public hearing the Trustees shall either adopt or
522 deny the recommendations of the Zoning Commission or adopt some modification
523 thereof. In the event the Trustees deny or modify the recommendation of the
524 Township Zoning Commission the unanimous vote of the Trustees shall be required."

525

526 Mr. Armstrong said that instead of referring to the Ohio Revised Code (ORC), the law
527 was restated, which was done as a convenience to people reading the zoning resolution.
528 The ORC has now changed effective in October 2008 so that a unanimous decision is no
529 longer required to modify or deny the recommendation of the Commission, so this part of
530 the zoning resolution needs to be changed.

531

532 Mr. Armstrong said that the options to correct this include modifying the language to
533 indicate that a majority vote is required to modify or deny the recommendation of the
534 Commission, or to restate it to include a reference to Section 519.12 of the ORC as
535 follows:

536

537 "Within twenty (20) days after such public hearing the Trustees shall either adopt
538 or deny the recommendations of the Zoning Commission or adopt some
539 modification thereof, pursuant to Section 519.12 of the Ohio Revised Code."

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540

541 Mr. Armstrong said that using the second option would mean that if the ORC changes
542 again in this area, the zoning resolution may not have to be changed again.

543

544 Mr. Sedlacek said that any change to the zoning resolution must go through the process
545 of the Commission initiating the process to amend it, the proposed changes are submitted
546 to the DCRPC, which will make a recommendation to the Commission, the issue will be
547 brought back before the Commission for a vote. That vote will be sent to the trustees,
548 whose decision is final after 30 days.

549

550 Mr. Sedlacek asked which method the Commission would prefer to employ. There was a
551 consensus that the second option was preferred.

552

553 Ms. Kerlin wanted to ensure that the township was made aware of future changes in the
554 law in regards to townships. Mr. Armstrong said that Berlin Township is a member of the
555 Ohio Township Association, which has regular training sessions, workshops, and legal
556 briefs. Ms. Kerlin asked if there was a direct method to obtain the information such as a
557 bulletin or e-mail. There was additional discussion. Mr. Armstrong said this issue helps
558 to emphasize the importance of training sessions from Delaware County. Ms. Kerlin
559 asked what would happen if the township was not aware of changes which had been
560 made and continued to operate under the old law. Mr. Sedlacek said that the ORC
561 supersedes the township zoning resolution.

562

563 Mr. Ryan said the legislative liaison for the Ohio Township Association has an e-mail list
564 which one can be added to and which provides information regarding relative happenings
565 in the Ohio legislature. Mr. Sedlacek said that would be useful.

566

567 **Resolution 09-02-03-02 – Initiate Change to the Berlin Township Zoning Resolution**

568 Ms. Kerlin made a motion to initiate a change to the Berlin Township Zoning Resolution,
569 Article 27, Section 27.01, 9th paragraph, which shall be deleted as it currently reads:

570

571 “Within twenty (20) days after such public hearing the Trustees shall either adopt or
572 deny the recommendations of the Zoning Commission or adopt some modification
573 thereof. In the event the Trustees deny or modify the recommendation of the
574 Township Zoning Commission the unanimous vote of the Trustees shall be required.”

575

576 And the following paragraph shall be inserted in its place:

577

578 “Within twenty (20) days after such public hearing the Trustees shall either adopt
579 or deny the recommendations of the Zoning Commission or adopt some
580 modification thereof, pursuant to Section 519.12 of the Ohio Revised Code.”

581

582 Ms. Yorko seconded the motion.

583 VOTE: Kerlin, yes; Yorko, yes; Bringardner, yes; Valentine, yes; Sedlacek, yes. Motion
584 carried.

585

586 **AGENDA ITEM - STATUS REPORT FROM COMMITTEES**

587

588 Mr. Sedlacek said there are three subcommittees which have been working on various
589 issues. One is led by Mr. Hahn and is intended to help expedite some changes to the
590 zoning resolution, and that report will be heard in the future.

591

592 **AGENDA ITEM – DISCUSSION OF SUMMARY REPORT OF**
593 **THE BUSINESS COMMUNITY INPUT FORUM**

594

595 **VILLAGE OF CHESHIRE HISTORICAL AREA – SUBCOMMITTEE UPDATE**

596 Ms. Kerlin said she met two weeks ago with business owners Dave Fields and Doug
597 Grote regarding the needs of the business owners in the Village of Cheshire historical
598 area, and their vision for the future of that area. She said they reiterated their needs as
599 stated in the Community Business Forum, including additional signage, right-of-way

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600 issues, increased window signage, and advertising banners being allowed with a
601 reasonable permit fee. Ms. Kerlin said she asked at that time that they participate in the
602 Comprehensive Land Use Plan (CLUP) to help that area. However, they are too busy to
603 participate in that process.

604
605 Ms. Kerlin said they were expected to bring additional business owners to that meeting
606 but just Mr. Fields and Mr. Grote attended. Now she is trying a different technique and
607 plans to mail a letter to all the business owners and also the landowners who lease to the
608 businesses, in an effort to get more participation and input. She will then set a meeting in
609 an attempt to get more people to respond.

610
611 Ms. Kerlin said there seems to be some relatively simple changes which can be made.
612 She discussed the issue with Mr. Hahn after the meeting, and they felt that while the
613 rights-of-way cause problems with the location of signs in that area. Possibly, with the
614 support of the trustees, some of the rights-of-way may be addressed, and further
615 conversation will be had on that issue in the future.

616
617 Mr. Sedlacek said he discussed the lack of participation in the meeting with Ms. Kerlin,
618 and he was disappointed in the “lukewarm” effort by the business owners in that area.
619 The Commission will be investigating various options for the village of Cheshire historic
620 area, and it was the general understanding that the business owners would be more active
621 in the process and willing to work at it. He offered to attend the next meeting to help
622 reiterate the concept that there are certain things which the township can’t easily change
623 and which will take time. Ms. Kerlin agreed and said that the business owners do not
624 fully understand the lengthy process involved in making changes to the zoning resolution.

625
626 Mr. Sedlacek said that the business owners haven’t done any work or met on their own to
627 help determine what they would like to see, and there needs to be some effort on their
628 part to coordinate with the Commission’s efforts. Ms. Kerlin said she is aware that this is
629 a difficult time for businesses, but she expected more of a response from the business
630 owners. The Commission will have a lot of work to do to help the business owners.

631
632 **AGENDA ITEM - DISCUSSION REGARDING TRIFOLD**
633 **MAILER/QUESTIONNAIRE, PRESS RELEASE AND “FAQ” FLYER**

634
635 Mr. Sedlacek said he and Mr. Armstrong presented the trustees with the tri-fold
636 mailer/questionnaire draft, which was created to help promote resident interest in the
637 CLUP update, and he asked that \$600.00 be allocated for postage expenses. The concept
638 was met with a good response. They were concerned about question #6 of the
639 questionnaire, which involved annexation, as they didn’t want the question to imply that
640 simply by the residents responding that they don’t want annexation, they would prevent
641 annexation. The facts are that two contiguous landowners who are in agreement about
642 annexation can easily annex their property. The determination was that residents should
643 be educated about annexation, which would take more than just a questionnaire. Because
644 of this discussion, the question was modified.

645
646 Mr. Sedlacek said that the trustees also asked that the mailer/questionnaire be reviewed
647 by the Delaware County prosecutor’s office, which was done in a very thorough manner.
648 Their suggestions were given to Ms. Yorko, who made the changes. He distributed a
649 copy of the revised mailer/questionnaire to the meeting attendees, and said that the
650 zoning office is ready to send it out to the residents.

651
652 Mr. Sedlacek said there had been a discussion about putting a stamp on each
653 mailer/questionnaire for easy return by residents, but after further analysis in regards to
654 the number of mailer/questionnaire which will actually be completed, it was determined
655 that doing so would result in a waste of stamps and money.

656
657 Mr. Sedlacek said the trustees also reviewed the press release and the “frequently asked
658 questions” (FAQ) flyer, to which they had no changes. Mr. Sedlacek will send the press

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659 release in hope of publication to the Delaware Gazette, Olentangy ThisWeek, and also
660 the Suburban News.

661

662 Mr. Sedlacek said that Mr. Valentine is working on the FAQ flyer to be used prior to
663 mailing of the questionnaire, and that it has been suggested that door-to-door visits be
664 made to township residents to inform them that the CLUP is being reviewed, and the
665 FAQ flyer can be provided to those residents for more information.

666

667 Mr. Valentine said that at the last meeting, Mr. Hahn had suggested that Commission
668 members take the flyer to their neighbors for their opinion before it is sent out to
669 everybody, and he asked if the review by the prosecutor's office eliminated that need.
670 Mr. Sedlacek said that the flyer was reviewed by the trustees and the county prosecutor,
671 and in his opinion, he felt that was sufficient. Mr. Valentine agreed that would delay its
672 mailing.

673

674 Mr. Korleski asked what the next step was after the responses from the residents are
675 received. Mr. Sedlacek said that would be decided at that time. Ms. Kerlin asked if a
676 deadline had been set for the return of the mailer/questionnaire by the residents. Mr.
677 Sedlacek said it would be modified to indicate that it should be returned within 2 weeks
678 of the date the mailer was sent out. He suggested that Commission remind their
679 neighbors to complete the mailer/questionnaire and send them back in.

680

681 Mr. Sedlacek said that Ms. Kerlin asked him about distributing this information via the
682 school systems. Ms. Kerlin will contact Mr. Hahn to help determine who should be
683 contacted regarding this.

684

**Resolution 09-02-03-03 – Mail out Mailer/Questionnaire to Residents, Send Press
Release to the Press, and to Utilize the “Frequently Asked Questions” Flyer**

686

687 Mr. Valentine made a motion to mail out the tri-fold mailer/questionnaire immediately to
688 the residents, to send the press release to the Delaware Gazette, ThisWeek in Olentangy,
689 and to the Olentangy Valley News, and to utilize the “frequently asked questions” flyer
690 supplementally as needed. Ms. Yorke seconded the motion.

691

692 VOTE: Valentine-yes; Yorke-yes; Kerlin-yes; Bringardner-yes; Sedlacek-yes. Motion
693 carried.

693

**AGENDA ITEM - DISCUSSION OF BERLIN TOWNSHIP
COMPREHENSIVE LAND USE PLAN (CLUP)**

694

695
696
697 Mr. Sedlacek said that due to the extensive agenda, Delaware County Regional Planning
698 Commission (DCRPC) executive director Scott Sanders will not be at this meeting. The
699 township has requested that Mr. Sanders bring copies to the next BZC meeting of things
700 which have been done in other townships as a good starting point.

701

702 Mr. Sedlacek distributed a copy of the contract with the Delaware County Regional
703 Planning Commission (DCRPC). Mr. Armstrong said a contract was negotiated with the
704 DCRPC for the update of the CLUP, which includes a proposed cost not to exceed
705 \$10,000.00. The township is also entitled to 25 hours of work per year at no direct cost
706 by DCRPC as part of its membership dues. The contract also states that these hours will
707 be carried over to 2010 if necessary, which is a tremendous benefit to the township. He
708 will present the contract for approval to the trustees at their next meeting, and he expects
709 that it will be approved by the next BZC meeting.

710

SYNOPSIS OF MEETING

711

712
713 ➤ The BZC Resolution 09-02-03-02 at this meeting to initiate a change to the zoning
714 resolution will be forwarded to the Delaware County Regional Planning
715 Commission. The change is to Article 27, in Section 27.01, to delete the 9th
716 paragraph which currently reads:

717

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718 “Within twenty (20) days after such public hearing the Trustees shall either adopt
719 or deny the recommendations of the Zoning Commission or adopt some
720 modification thereof. In the event the Trustees deny or modify the recommendation
721 of the Township Zoning Commission the unanimous vote of the Trustees shall be
722 required.”
723

724 And insert in its place:
725

726 “Within twenty (20) days after such public hearing the Trustees shall either
727 adopt or deny the recommendations of the Zoning Commission or adopt some
728 modification thereof, pursuant to Section 519.12 of the Ohio Revised Code.”
729

- 730 ➤ Continue attempts to meet with business owners to obtain their input on potential
731 changes to the zoning resolution which may benefit them.
- 732 ➤ Per the BZC Resolution 09-02-03-03, the tri-fold mailer/questionnaire will be
733 printed and immediately mailed to the residents, and the press release will be sent to
734 the Delaware Gazette, ThisWeek in Olentangy, and the Olentangy Valley News,
735 and the “frequently asked questions” flyer will be used supplementally as needed.
- 736 ➤ The contract with the DCRPC will be presented to the township trustees for
737 approval, and after it is approved, the BZC will begin the CLUP update process.
738

739 The next BZC meeting will be on Tuesday, March 10, 2009 at 7:00 PM at the Berlin
740 Township Hall.

741
742 There was no further business to come before the Commission. Motion to adjourn.
743 Meeting adjourned at 8:50 PM.
744

745 _____
746 Rick Sedlacek, Chairman
747

748 _____
749 Jerry Valentine, Vice-Chairman
750

751 _____
752 Kristin Yorko, member
753

754 _____
755 Rae Ann Kerlin, member
756

757 _____
758 Betty Bringardner, first alternate, seated
759

760 Attest: _____
761 Lisa F. Knapp, Berlin Township Zoning Clerk
762

763
764