

BERLIN TOWNSHIP ZONING COMMISSION
of Delaware County, Ohio
Regular Meeting
July 21, 2009, 7:00 PM

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

CALL TO ORDER

3
4
5
6 The Berlin Township Zoning Commission (BZC) meeting was called to order by
7 Chairperson Rick Sedlacek at 7:00 PM.

8
9 Mr. Valentine led the meeting attendees in the recitation of the Pledge of Allegiance.

10
11 BZC Members Present: Rick Sedlacek; Jerry Valentine; Jim Hahn; Kristin Yorko; Betty
12 Bringardner - first alternate seated; Toni Korleski – second alternate.

13
14 BZC Member(s) Absent: Rae Ann Kerlin

15
16 Mr. Sedlacek read the adopted BZC policy statement for the meeting, as printed in the
17 agenda.

PROOF OF LEGAL NOTICE PUBLICATION

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

APPROVAL OF MINUTES

Resolution 09.07.21.#01: Approval of 05/12/09 BZC Minutes

24
25
26
27
28
29 Mr. Valentine made a motion to approve the minutes from the May 12, 2009 minutes, as
30 presented by the Clerk at this meeting. Ms. Yorko seconded the motion.
31 All in favor say, “aye,” all opposed signify with same sign. No opposition, motion
32 carried, minutes approved.

Resolution 09.07.21.#02: Approval of 06/09/09 BZC Minutes

33
34
35
36 Mr. Hahn made a motion to approve the minutes from the June 9, 2009 BZC meeting,
37 with the following modifications:

- 38
39 → Line 462 replace “employees” with “employers”
40 → Line 626, replace “tie” with “TIF”
41 → Line 666, replace “subdivision” with “subdivided”
42

43 Mr. Valentine seconded the motion. All in favor say, “aye,” all opposed signify with
44 same sign. No opposition, motion carried, minutes approved.

LEGAL NOTICE

BERLIN TOWNSHIP ZONING COMMISSION NOTICE OF PUBLIC MEETING

45
46
47
48
49
50 The Berlin Township Zoning Commission will hold a meeting at 7:00 p.m., Tuesday,
51 July 21, 2009. The meeting will take place at the Berlin Township House, 3271 Cheshire
52 Road, Delaware, OH. The purpose of the meeting is to continue discussions regarding
53 the revisions associated with the text of the Comprehensive Land Use Plan (CLUP). This
54 will include the goals and visions as well as housing, roads, transportation, and utilities.
55 Additionally, discussions will continue on possible changes as a result of the recently
56 completed Business Community Forum. The person responsible for giving notice of the
57 public meeting by publication is Cathy Rippel. Questions concerning this matter should
58 be directed to the Zoning Office at 740-548-5217. Township residents are encouraged to
59 attend.
60

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61 Berlin Township Zoning Commission
62 Rick Sedlacek, Chairman

63

64 **AGENDA ITEM: INTRODUCTION OF MEETING ATTENDEES**

65

- 66 • Tom Thompson, 5380 Summer Boulevard, Galena, Ohio 43021, also a Berlin
67 Township Board of Zoning Appeals alternate member.
- 68 • Scott Sanders, Executive Director of the Delaware County Regional Planning
69 Commission
- 70 • Joe Korleski, BZA member, 3584 Greenville Drive, Lewis Center, OH 43035
- 71 • Toni Korleski, BZC second alternate member, 3584 Greenville Drive, Lewis Center,
72 OH 43035
- 73 • Rick Gemienhardt, 881 Africa Road, Galena, OH 43021
- 74 • Don Sherman, 1469 Africa Road, Galena, OH 43021
- 75 • David Leahy, 1484 Dale Ford Road, Delaware, Ohio 43015
- 76 • Betty Bringardner, BZC first alternate member.
- 77 • Mike Morrill, Berlin Township BZA chairperson
- 78 • Lisa Knapp, Zoning Clerk

79

80 **AGENDA ITEM: BYERS REALTY REQUEST FOR EXTENSION OF ZONING**

81

82 Mr. Sedlacek said that Byers Realty was to be present to request an extension of their
83 zoning but they are not here. Mr. Armstrong said a representative from Byers was
84 expected to be in attendance to present, as they made the request and it was placed on the
85 agenda. He suggested going ahead with the request whether they are here or not.

86

87 Mr. Sedlacek asked for more information regarding the request. Mr. Armstrong said that
88 three phases were approved during the rezoning process. The preliminary plan for Phase
89 I was approved and went into effect on 8/31/08, so at the end of August 2009 it will
90 expire. Due to the current economic conditions, Byers Realty has requested a 2-year
91 extension of the preliminary plan, as they are not ready to either go ahead with a final
92 development plan or to even begin development.

93

94 Mr. Sedlacek said that in the past, this Commission hasn't granted more than a one-year
95 extension unless the applicant was present to explain why. He is reluctant to grant a two-
96 year extension, and he asked whether Mr. Armstrong was aware why this was requested.
97 Mr. Armstrong said that per the applicant it is due to the current uncertain economic
98 times.

99

100 Mr. Sedlacek asked for the Commission's opinions on the issue. Mr. Valentine said that
101 he would agree to a one-year extension, but a two-year extension has never been granted.
102 Mr. Sedlacek said the applicant should be here to explain why they are making the
103 request. Mr. Hahn suggested deferring the discussion to the next BZC meeting. Mr.
104 Sedlacek agreed and said there may be a good reason why Byers Realty is requesting the
105 two-year extension.

106

107 Mr. Hahn noted that the applicant may appear at this meeting later tonight and suggested
108 tabling the issue until later tonight and then making a decision regarding what will be
109 done. Mr. Sedlacek agreed and there was no opposition from the Commission.

110

111 Ms. Korleski asked what Byers Realty is. Mr. Armstrong said it is the Byers Kia
112 dealership on Route 23 which replaced the NFS/QAL dealership on Greif Parkway.

113

114 **AGENDA ITEM: STATUS REPORT FROM SUB-COMMITTEES**

115

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

117

118

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120

121 EXPANDED HOME OCCUPATIONS SUB-COMMITTEE - UPDATE

122 Ms. Yorko said she and Mr. Hahn have been working to perfect everything and they
123 think it is good and have forwarded it to this Commission for review and are ready to
124 move forward.

125

126 Mr. Hahn said that Berlin BZA Township Chairperson Mike Morrill called him with
127 comments, including concerns that there could be some ambiguity. He noted that he saw
128 Asst. County Prosecutor Chris Betz and Mr. Betz told him he would welcome a meeting
129 with him regarding the issue. Mr. Hahn said that Mr. Morrill had asked whether
130 expanded home occupations were desired in higher-density zoning districts such as R-3,
131 which is a good point and he will mention it to Mr. Betz.

132

133 Mr. Morrill said that in the R-2 district, the minimum lot size is 29,600 SF, but there is no
134 minimum lot size in the R-3 district. Mr. Hahn said that the PRD districts would not be
135 covered by the revised language. Mr. Morrill said the limited home occupations need to
136 also be examined. Mr. Hahn said he will discuss the issue with Mr. Betz and report the
137 results.

138

139 Mr. Morrill said that the BZA always has to find for the property owner if they meet the
140 specified conditions. The BZA is allowed to grant up to three employees per the zoning
141 regulations, but to limit the number of employees to just one or two employees, for an
142 expanded home occupation, the BZA has to show why for reasons such as lot size,
143 neighbor objections, etc. Mr. Hahn asked if he would like to go to Mr. Betz's office with
144 him, and Mr. Morrill agreed that would be a good idea and he would to ensure that the
145 language is written correctly.

146

147 Mr. Hahn said that for limited home occupations, language was drafted which strikes the
148 requirements such as no more than two truck deliveries per year based on certain
149 poundage and weight, as it would be nearly impossible to enforce.

150

151 Mr. Hahn said that Parking Demands on page 3, item f. was modified to indicate that all
152 parking demands created by the conduct of the home occupation shall be met with
153 parking located off the street.

154

155 Mr. Morrill said he also had a comment regarding Section 21.16 e. sign for the home
156 occupation, which states that signs shall not be animated or lighted. However, this is also
157 indicated in Section 22.02 b. and so this is redundant. Mr. Sedlacek asked if he was
158 suggesting that only one sign shall be erected as specified by Section 22.02 b. and Mr.
159 Morrill agreed. Mr. Sedlacek noted that there is a typo in the 4th line after "lighted" there
160 is a period and a comma.

161

162 Mr. Sedlacek said that the language would be cleaned up and possibly brought back to
163 this Commission for a vote at the August 2009 regular meeting.

164

165 VILLAGE OF CHESHIRE BUSINESS COMMUNITY SUB-COMMITTEE - UPDATE

166 Mr. Sedlacek said he received an email from Ms. Kerlin regarding this today, and he
167 suggested that the matter be deferred until she is present. He read the email, which
168 indicated that she has attached the beginnings of what has been done regarding the
169 signage for that area, and stated that she saw that very few changes are needed, although
170 the business owners may not agree. She said the discussion should begin with the BZC
171 since there are vast opinions and needs in the business community, and she indicated that
172 her changes were made in red, and that some paragraphs which she feels should also be
173 changed were highlighted in blue for further discussion.

174

175 In the email Ms. Kerlin asked for BZC comments and said that much of the changes
176 would be useful and not harmful to the rest of the district, and she asked whether a
177 separate article was really necessary or whether the BZC should endeavor to apply

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178 changes throughout the township. She said in the email that Mr. Armstrong felt that the
179 proposed changes would also benefit other businesses and would seem to impact little the
180 original goals of the zoning, and she agreed. She also agreed that having two signage
181 articles sets the township up for contradictions and conflicting information.

182
183 In the email Ms. Kerlin said that she met with a person named Tom and also Elizabeth
184 Kline to discuss the historic issues but not much progress was made at that time. She
185 stated that she is pursuing the signage at the state park with the Army Corp of Engineers.

186
187 Mr. Sedlacek asked the Commission to provide feedback to Ms. Kerlin within the next 1-
188 2 weeks so she can come back with changes or suggestions.

189
190 SUB-COMMITTEE PROMOTING RESIDENT INPUT IN THE COMPREHENSIVE
191 LAND USE PLAN (CLUP) REVIEW - UPDATE

192 Mr. Valentine said that he made about 30 reminder calls regarding this meeting. Mr.
193 Sedlacek noted that attendance at these BZC meetings may be low due to the fact that it
194 is summer, and he said that attendance may pick up in the fall.

195
196 Mr. Gemienhardt thanked Mr. Valentine for all his work in getting people to attend these
197 hearings and said that it is a valuable tool for the township; Mr. Valentine is going above
198 and beyond the call of duty and he has never seen anybody take this initiative in the past.

199
200 Mr. Morrill asked whether the county prosecutor's office had been contacted regarding
201 whether the township can have different signage requirements for different areas. Mr.
202 Armstrong said he did meet with Mr. Betz regarding that, and that Mr. Betz had stated
203 that it would be acceptable because it is a completely separate district different
204 regulations can be established, and this has been done in other areas. Mr. Sedlacek said
205 that he felt it would not be a bad idea to see the changes made for the Historic Village of
206 Cheshire only, which would be separate and different from the rest of the township, and
207 he asked this Commission to think about this and provide their feedback to Ms. Kerlin.

208
209 AGENDA ITEM: FIRE DEPARTMENT GOALS

210
211 Mr. Sedlacek said that last month, he and Mr. Armstrong asked Fire Chief Bill Bechstein
212 to elaborate on fire department goals so the Commission can be aware of them and work
213 with that department, and Chief Bechstein provided much information regarding this.
214 Mr. Sedlacek and Mr. Armstrong felt the amount of information provided was too much
215 and so Mr. Sedlacek asked Mr. Armstrong to contact the Chief regarding this.

216
217 Mr. Armstrong said that work remains to be done on this issue as it seems that the Chief
218 would like to see most of the state fire code incorporated into the zoning resolution.
219 However, it is not necessary to duplicate the fire code in this manner. Mr. Sedlacek
220 reiterated that he would like to review specific major goals, not everything. Mr.
221 Armstrong will work on the issue with Mr. Sedlacek.

222
223 AGENDA ITEM: EMAIL FROM DAVE ARMBRUSTER

224
225 Mr. Sedlacek said that resident Dave Armbruster sent an email to the township a few
226 months ago which Mr. Sedlacek would like to discuss at a BZC meeting. He asked that
227 that the next time Mr. Valentine calls him to let him know that he has been on the agenda
228 twice to discuss the email and to ask that Mr. Armbruster attend the next meeting so the
229 issue can be discussed.

230
231 AGENDA ITEM: REVIEW/UPDATE OF
232 COMPREHENSIVE LAND USE PLAN (CLUP)

233
234 Mr. Sedlacek said that Elizabeth Kline put much effort into the review of Chapter 4 with
235 Mr. Sanders but was not able to attend this meeting, and he asked if Mr. Sanders was
236 prepared to report on Chapter 4 at this meeting.

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237

238 Mr. Sanders said that he didn't expect to review that tonight, and he had expected to just
239 review the next two CLUP chapters this month. Mr. Sedlacek said that he has several
240 suggestions and questions regarding this and he would prefer to discuss these when Ms.
241 Kline is present. However, he would also like to know whether the Commission or
242 audience has any comments regarding this, which can be documented and sent to Ms.
243 Kline to be discussed at the next meeting.

244

245 Mr. Sanders said he would prefer that everybody respond to Ms. Kline's draft because
246 she has already combined and condensed it.

247

248 Mr. Gemienhardt said he had some questions and asked how he could provide this
249 information to Ms. Kline. Mr. Sedlacek asked him to provide his comments to him or
250 Mr. Armstrong and he will forward them to Ms. Kline. The Commission had no
251 comments at this time, and Mr. Sedlacek asked them to contact Ms. Kline directly with
252 their suggestions.

253

254 **AGENDA ITEM: CHAPTER 9 ROADS AND TRANSPORTION REVIEW**

255

256 Cars are the primary means of transportation in Berlin Township, and it is crisscrossed
257 with county and township roads which were originally laid out for farm to market usage.
258 However, these roads are changing as the area develops from a rural to a suburbanizing
259 community, and roadway improvements will be needed in the future. At this time the
260 Berlin Township roads are not overtaxed and traffic flow is good throughout the
261 township.

262

263 Federal and State Roads

264

265 U.S. 23

266 Mr. Sanders said there aren't many changes on the first page; U.S. Route 23 remains the
267 same, but some development has taken place. U.S. 23 has access management principles
268 in place via the Ohio Department of Transportation (ODOT), which means the accesses
269 which can be taken from it are limited. The current parcels have a certain amount of
270 access, but as property uses change ODOT looks closely at whether a full access or a
271 right-in/right-out will be allowed, as well as the spacing between traffic signals.

272

273 Mr. Sanders said that typically there is spacing of about ½ a mile between signals, but
274 new standards are being considered for Route 36/37 which would provide about a mile of
275 spacing between each signal.

276

277 Mr. Sanders said that backage roads have been worked into both the Berlin and Orange
278 Township plans, and the backage roads in Berlin Township may be revisited during the
279 review process. When the Park at Greif and the current Byers Kia properties were
280 rezoned, both entities were required to reserve easements for a future parallel access road
281 which will be used for access by neighboring properties.

282

283 Mr. Sanders said that as developers come in, the outlots along Route 23 will share access
284 through rear backage roads, and the roads are typically built in smaller increments unless
285 there is a major developer. He said that a few years ago, Mr. Hahn got together a group
286 of people representing property owners along the east side of the Route 23 frontage to try
287 to get an agreement in place so that through the township rezoning process and the
288 DCRPC subdivision process can help guide the creation of these connections. These
289 backage roads will be an extension of Greif Parkway to the east and probably back to the
290 property which will most likely be planned industrial in the future, as well as other areas.

291

292 U.S. 36/S.R. 37

293 Mr. Sanders said that not much has changed on U.S. 36/S.R. 37 since the last plan, and he
294 noted that traffic flow is apparently smooth. The same type of access management plan
295 should be in place where lots would share backage roads, and that is indicated on the

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296 township's current plan, to be carried over to the new plan. About 4.3 miles of this road
297 is located in Berlin Township.

298

299 Strip commercial development with multiple unlimited access points would inhibit this
300 highway's ability to function so proper access management practices should be used to
301 preserve its function as a main federal highway.

302

303 I-71

304 I-71 does not enter Berlin Township but its location .5 miles east of the township's
305 boundary has an impact on traffic within the township and future traffic generation and
306 land use. The I-71 interchange area extends into Berlin Township and future commercial
307 development will occur in the township to service the interchange.

308

309 Mr. Sanders said that have been changes to I-71 but it remains problematic and there has
310 been much discussion about fixing it, but the timing is unknown at this point. To bring it
311 to a level of service (LOS) F+ it would take years.

312

313 County Roads

314 Mr. Sanders said the Delaware County Engineer maintains 9 county roads in Berlin
315 Township and Figure 9.1 County Roads and Conditions in Berlin Township, 2009 is a
316 table which includes township roads, their names and numbers, surface width, road
317 width, and surface type.

318

319 Township Roads

320 The township maintains collector roads and also public subdivision streets.

321

322 Mr. Sanders said that the more modern subdivision streets are 32' in width, but many of
323 the township roads which carry significantly higher traffic are just 26' wide. It is easier
324 to get right-of-way from roads which are going to be built rather than retroactively
325 obtaining it for existing streets.

326

327 Road Maintenance

328 Berlin Township roads are maintained by various authorities, including the ODOT, the
329 Delaware County Engineer, the township, homeowners associations, and lot owners.

330

331 Mr. Sanders said that the county engineer provides notices each year regarding which
332 county roads will be worked on during that year. Figure 9.2 Dwelling Unit Density Per
333 Acre and the Equivalent Population per Square Mile is a table which includes the number
334 of units per acre, the number of persons/unit, percentage of developable acres, and acres
335 per square mile, and indicates the population per square mile.

336

337 Mr. Sanders said there are some private subdivision roads, including common access
338 driveways, which are maintained by the lot owners. Typically the county engineer now
339 requires that all new streets, public and private, are built to public standards for the
340 number of lots built in the subdivision. This is useful when private roads are turned over
341 to the township or county to become public when the owner no longer wishes to maintain
342 them.

343

344 Functional Classifications

345 Mr. Sanders said he simplified this section. The 2001 Delaware County Thoroughfare
346 Plan (DCTP) was started in 2000 and completed in 2001, with slight modifications in
347 2002. Countywide there have been many new road connections. The Delaware County
348 Engineer's Design Standards labels each road with a "functional classification, and the
349 DCTP identifies major and minor arterials and major and minor collector streets. This
350 information is illustrated in the map which is Figure 9.3 Functional Classifications of
351 Roads with Planned Road.

352

353 Mr. Sanders said that in the DCTP, each road receives a certain designation based on how
354 much traffic it carries and whether it is a major or minor arterial, or a major or minor

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355 collector based on what the street is and this helps determine when development takes
356 place how much additional right-of-way should be required by the county engineer.
357 Cheshire Road through the city is just a 2-lane road, but the DCTP states that it is
358 proposed to be a major arterial road, and that is why it is indicated as having 2 lanes with
359 a turn lane, or a future 4-lane road.

360
361 Mr. Sanders said that major arterials in Berlin Township include S. R.36/U.S. 37, U. S.
362 Route 23, and Cheshire Road. He noted that south 3 Bs and K Road to Route 36/37
363 should also be included as a major arterial and he will make that change.

364
365 Mr. Sanders said that the minor arterial roads which carry average daily traffic in excess
366 of 3500 in Berlin Township are Lackey Old State, South Old State, and Africa Roads.

367
368 Mr. Sanders said that major collector roads which have daily average traffic counts of
369 1500-3500 vehicles include Berlin Station, Curve, north Old State, and north 3Bs and K
370 roads.

371
372 Mr. Sanders said that minor collector roads are the least traveled don't necessarily
373 connect through and include Dale Ford, Dunham, Gregory, and Hollenback roads. All
374 other roads on the map are local streets, which are the lowest category.

375
376 Mr. Armstrong asked if the map should indicate the future backage roads off of Route 36.
377 Mr. Sanders said the backage roads are from the CLUP and not from the thoroughfare
378 plan, and they will be discussed in the future roads section.

379
380 Traffic Counts

381 Traffic counts indicated the average daily trips in both directions on a road, and these
382 counts can be used to determine if the LOS is acceptable or unacceptable.

383
384 Mr. Sanders said that traffic counts are updated less often for areas located north of the
385 City of Columbus area, and those provided are the most current available. Figure 9.4
386 Berlin Township area Traffic Counts is a map which indicates the average daily traffic
387 counts for the major roads in the township. The counts for major roads provided are more
388 recent but current data is not available for many roads. He noted that numbers with
389 asterisks next to the year are one-way counts.

390
391 Mr. Sedlacek said that the Functional Classification Map on page 70 indicates "planned
392 road". Mr. Sanders confirmed that it should state "planned roads" and he will fix it. He
393 also noted that it should reference the thoroughfare plan roads. The backage roads will
394 be discussed on the land use map.

395
396 Mr. Sanders said that the information in this section will help identify what future
397 facilities are needed, and which future connections should be made.

398
399 Access Management

400 Mr. Sanders said page 73 discusses access management, and he said that counties have
401 the ability to have access management regulations, but Delaware County does not
402 because it will be politically unpopular any time it is tried because it limits what people
403 can do in the future. For example, driveways may be limited to one every 300' and
404 someone may wish to develop their property with flag lots every 60'. Access
405 management plans are more understandable on state highways and it is more difficult to
406 argue with the state than it is with the county or the township.

407
408 Future Roads – The Thoroughfare Plan

409 Mr. Sanders said that the DCTP was created using computer models which were
410 discussed by county engineer staff, the DCRPC, public hearings, etc. He said he was
411 unsure whether the Cheshire Road extension which was to extend all the way over to
412 Route 42 in Concord Township. The DCTP was created and public input was obtained

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413 because once the plan is in place, the county has more authority to dictate what will
414 happen.

415
416 Mr. Sanders said that the Shanahan Road Extension originally came across the township
417 line but it was moved. It will be developer-driven as development comes through and
418 will extend from Liberty Township via Shanahan Road to Old State Road. He said that
419 would create a major intersection at Shanahan and Piatt Roads, and the BZC may wish to
420 discuss that in detail during the land use section of the plan.

421
422 Mr. Gemienhardt asked whether a certain road indicated is still a viable alternative the
423 county is considering, given the Glen Road extension to the west and Old State Road to
424 the east, as well as the flag lot issue on Curve Road. He asked how it could be ensured
425 that road is available for the future, and he asked if the township had any say over it. Mr.
426 Sanders said DCRPC can't deny a lot split and that is why there are so many flag lots.

427
428 Mr. Gemienhardt said it will be difficult to drive from Berlin Station to Curve Road given
429 the way that area is building out now. Mr. Sanders said there is no activity seeking to get
430 right of way in an area he pointed out but the Dominion Homes subdivision indicates an
431 easement. Mr. Sedlacek said something would have to be done to the width of Piatt
432 Road. There was additional discussion.

433
434 Mr. Hahn suggested extending Gregory Road due north to Berlin Station Road and then
435 shifting it to the east to Sweeney Road along the tracks, or to the west. He received
436 positive reception for this idea from the Commission and the audience. Mr. Gemienhardt
437 asked whether this Commission or the county would make a recommendation regarding
438 this. Mr. Sanders said the CLUP could make that recommendation and he will make the
439 county engineer's office aware of this. Mr. Sedlacek said perhaps Doug Riedel could be
440 invited to the Commission meeting which makes this recommendation. Mr. Sanders said
441 the issue regarding how to connect to S. R. 36/U.S. 37 would need to be resolved. There
442 was additional discussion.

443
444 Road Improvements – County Engineer Capital Improvement Plan

445 Mr. Sanders said the county engineer has a capital improvement plan for resurfacing and
446 improvements listed by priority. The improvements at South Old State Road and Lewis
447 Center Road in Orange Township are being made now and are proposed to be completed
448 by this fall. The only other projects he found listed in or near Berlin Township were
449 Priority C to be done in 2011, 2012, or 2013, and include intersection improvements at
450 Berlin Station and Curve Roads, Cheshire and Africa Roads, and Africa and Sherman
451 Lakes Road.

452
453 Mr. Sanders said the Thoroughfare Plan included some recommended build-out
454 modification recommendations, including upgrading Cheshire Road to 4 lanes from Piatt
455 to Africa, which would mean reconfiguring the causeway. He reviewed the others.

456
457 Transit

458 DATA (Delaware Area Transit Agency) is the public transit system for Delaware
459 County, Ohio. DATA's services are available to anyone wishing to use them and it is
460 owned operated and governed by the citizens of Delaware County. It offers on-demand
461 service for Delaware County residents.

462
463 Mr. Sanders said that transit information available now is better due to the recent increase
464 in gas prices and he provided information on the routes, which run north and south.

465
466 Bikeways

467 Mr. Sanders said there are many different names for trails. Figure 9.5 Sidewalks,
468 Bikeways, and Proposed Trails indicates the bikeways and sidewalks currently located in
469 the township, and also proposed for the township. The provided information indicates
470 that Orange Township has a much more aggressive plan in process and the green lines
471 indicate the proposed and built paths.

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472

473 Other Transportation Issues

474 Mr. Sanders said a data layer has been created which shows all the streets with sidewalks,
475 which helps people get a sense of how to connect neighborhoods and where the priorities
476 should be.

477

478 Traffic Impact

479 New development proposals should be assessed for their trip generation. As a general
480 rule if the trip generation is more than 1,000 vehicles per day a traffic study should be
481 performed to determine the impact and mitigation measures necessary. Current LOS and
482 post-development LOS should be compared and if a LOS is predicted to drop below a
483 level C remediation should be part of the development project to be cost-shared on a “fair
484 share” basis.

485

486 Impact Fees for Traffic Impact and Offsite Road Improvements

487 Ohio planning and zoning legislation does not currently empower townships to charge
488 impact fees to offset costs of service expansion such as roads, schools, parks, etc.
489 However, generally road improvements immediately adjacent to the development can be
490 attributable to the project as part of the subdivision and zoning process. If large impact
491 development proposals do not reasonably offer to mitigate their significant off-site they
492 may impose an undue burden on the township and in some cases the rezoning may be
493 premature.

494

495 Mr. Sanders said that new development proposals should be assessed for their trip
496 generation by the county engineer for larger projects which go offsite and go beyond
497 what a current subdivision would be required to build. Counties don't allow for impact
498 fees, but municipalities can do it for roads, schools, and parks. Road improvements
499 immediately adjacent to developments can be attributable to the project.

500

501 Mr. Sanders said this will be discussed during the last chapter before Recommended
502 Land Uses when mixing uses to reduce trip generation is discussed. In areas where there
503 is only one use per area or where residents are expected to go to another municipality
504 more trips will be generated than an area with mixed uses.

505

506 Passenger Rail

507 Mr. Sanders said that there have been many discussions regarding passenger rail in cities,
508 but townships and suburbs often opposed passenger rail so recent efforts have not been
509 successful. However, there is a possibility of stimulus money for studies, and passenger
510 rail is discussed much more frequently now.

511

512 Mr. Sanders said that Orange Township's plan done in 2001 provided an allowance for a
513 potential station near Lewis Center, and a meeting was recently held in Columbus for
514 area communities and other Ohio areas such as Cleveland and Cincinnati to do some type
515 of passenger rail between the three cities. This could include a high-speed line in lieu of
516 high-speed rail.

517

518 Streetscapes

519 Mr. Sanders said that streets are a strong part of the look of a community and what people
520 value about a community. Every community needs a streetscape standard, and he has
521 shown on the next page a common standard for a streetscape. He met with the BZC over
522 the last few years and PRD zoning was discussed, including whether the township should
523 include street trees or not. It was eventually agreed to encourage street trees as long as
524 they are behind the sidewalk, and that is currently Orange Township's approach for
525 maintenance reasons. He feels that if the correct tree is selected, as well as the proper
526 space between the curb and trees, trees can exist happily between the curb and the
527 sidewalk; however, this is a controversial issue.

528

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529 Figure 9.6 Streetscape Example is a graphic representing a desirable streetscape cross
530 section for suburban streets with lot widths less than 100', with street pavement widths
531 ranging from 18-26' depending on the need to provide on-street parking.

532

533 Mr. Sanders said there were recent spirited debates in Orange Township regarding this
534 due to an older development, Green Meadows/Highmeadows Villages where the wrong
535 type of tree was planted when the subdivisions were developed many years ago. These
536 trees hang over the street and get in the way of emergency services and cause other
537 problems. He did telephone research but did not find any evidence that street trees
538 damage drainage structures or underground utilities, especially if the correct tree is
539 chosen. He said he could change the indicated standard if desired.

540

541 Mr. Armstrong said that the township has agreed that street trees will not be provided so
542 that should be changed in the CLUP. Mr. Sanders suggested a compromise that if a
543 wider space is provided between the curb and the sidewalk, a street tree would be
544 appropriate. If trees are desired behind the sidewalk, perhaps a smaller space between the
545 curb and sidewalk would be appropriate.

546

547 Mr. Sanders said there are many positive aspects to allowing street trees, including that
548 they form a sense of enclosure, they provide pedestrians with something to walk under
549 while they are on the sidewalk, they cool the road, and they can actually reduce speeds
550 traveled on roads. The more open and wider the streets are, the more vehicles speed.
551 The township can't control the width of roads because that is part of the subdivision
552 regulations and part of the county engineer's regulations. He said he would work on the
553 graphic.

554

555 The Roundabout, an Alternative Street Design

556 Mr. Sanders said a paragraph was included in the CLUP regarding roundabouts, as more
557 are being built in the area. There are critics who do not support roundabouts and those
558 who wonder if roundabouts really work but the advantages include that they are less
559 expensive to install and maintain, they require less land than a typical intersection with
560 turn lanes, etc. and although they can be confusing at the beginning to use, there are few
561 major collision because there are no head-on collision areas. Traffic signals are
562 expensive to install and maintain.

563

564 Figure 9.7 Modern Low-Speed Roundabout (DLZ Engineers) is a photo of a modern,
565 low-speed roundabout.

566

567 Complete Streets

568 Mr. Sanders said that "complete streets" is a term coined by the America Bikes Board
569 and accommodates the need for an integrated, connected street network which serves all
570 of its users including motorists, bicyclists, pedestrians and transit riders of all ages and
571 abilities. The concept is that streets aren't just to move cars faster from point A to point
572 B, but to serve a larger population of pedestrians and bikers, so as streets are updated
573 making them complete streets would mean that if there is a location plan in place for
574 pedestrian trails that will be a part of upgrading those streets. Mr. Sanders said that
575 funding streams are available.

576

577 Ms. Bringardner asked whether the bicyclists can be taught to observe all traffic signs
578 and rules. Mr. Sanders said he has been reading about problems which are being had in
579 the Olentangy corridor because serious bikers are going on the trails very quickly, which
580 can be dangerous for walkers. This information indicated that these bicyclists act like
581 they own the trail, and this seemed very similar to the complaints received from bikers
582 regarding vehicles on the road. Mr. Sedlacek said he has witnessed bicyclist riding 2-3
583 abreast and running stop signs. Ms. Bringardner agreed.

584

585

586

587

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AGENDA ITEM: CHAPTER 10 UTILITIES - REVIEW

588

589

590 Del-Co Water

591 Del-Co Water Company (Del-Co) is a cooperatively-owned private water company with
592 a total combined capacity of 21 million gallons per day and it serves Berlin Township
593 with potable water. Map 10.1 Water Lines, Berlin Township is a map indicating the
594 water lines in the township.

595

596 Water Supply

597 Del-Co draws surface water from the Olentangy River and the Alum Creek Reservoir,
598 which is pumped to up-ground reservoirs on S. Old State Road and S.R. 315 prior to
599 treatment. A new billion-gallon up-ground reservoir has been constructed along Liberty
600 Road to being storage capacity to 1.660 billion gallons. A total of 38 million gallons per
601 day is the long-term pumping and treatment capacity of Del-Co. Del-Co has planned for
602 future growth but does not have unlimited supply options since they compete with or
603 share their source supply with Westerville, Columbus, and Delaware, and long-term
604 solutions to water needs in Delaware County will require careful land use planning so
605 that water needs do not outstrip the ability to serve.

606

607 Water Lines

608 Map 10.1 indicates the location and diameters of water lines in Berlin Township. In
609 general those streets that have a water line of less than 6 inches in diameter will not offer
610 fire hydrants. Fire hydrants are normally a requirement of development densities greater
611 than one unit per acre.

612

613 Sanitary Sewer Service Area

614 Mr. Sanders said a large part of Berlin Township is located within the current Region 1-A
615 sanitary service area, which is divided up into sections A, B, C, D and M, shown on the
616 sewer service area map.

617

618 Mr. Sanders said that the Regional Sewer District has two plants and he provided more
619 information. The Olentangy plant is at 55% of what it is designed to carry, and the Alum
620 Creek plant is at 43%. Both plants serve Berlin Township. He noted that the City of
621 Columbus has a contract to go into the Alum Creek Plan and it is based on certain
622 density. This was put into place to ensure that the county had remaining capacity even
623 after the Columbus was built out in their portion, which is south of Polaris. There is also
624 a section in the City of Westerville that is served.

625

626 Mr. Sanders said that most of the remaining areas of the township are located in the
627 Central Ohio Alum Creek Service area, and as part of the sewer master plan update, the
628 county looked at additional service areas, and this is indicated on the map. He pointed
629 out the major service lines and major trunk lines

630

631 Figure 10.2 Sanitary Sewer Service Area, Berlin Township indicates the sanitary sewer
632 service areas including major and minor sewer lines, drainage areas, Delaware City
633 Water Service Areas, as well as sewer service areas by different colored zones. Zone A is
634 East Alum Creek, Zone B is Cheshire, Zone C is Peachblow, Zone D is Alum Creek, and
635 Zone M is potential. Future sewer service areas are indicates in colored, striped areas,
636 including Lower Scioto Service Area, Central Alum Creek Service Area, Central
637 Olentangy Service Area, and Big Walnut service area.

638

639 Mr. Sanders pointed out a blue line which represents an area which will be served by
640 Delaware County sanitary sewer only if the city refuses to provide service. In an effort to
641 avoid potential future disputes, an agreement was signed which is an attempt to avoid
642 duplicate infrastructure. The city will serve areas north of Peachblow Road and west of
643 the Conrail tracks, and would require annexation to serve other areas. Anything east of
644 the railroad tracks will still be served by the county. If a developer approaches an area
645 one entity is not supposed to serve, that entity will contact the other entity.

646

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647 Mr. Sanders said some examples were included to show how commercial areas are
648 figured for sanitary sewer in comparison to residential units. For example, the Meijer on
649 Route 23 is equivalent to 43 single family houses, while the Delaware County Bank
650 headquarters on Owenfield Drive is the equivalent to only 7.48 houses.

651

652 Density by plant capacity

653 Using the capacity of the Alum Creek plant and subtracting the maximum contractual
654 flows to Columbus and Westerville, the result is the residual capacity of the plant.

655 Using county GIS software, the proposed densities in the undeveloped area of each
656 treatment plant can be calculated to determine whether the build-out population of the
657 service area can be served by the plan.

658

659 Mr. Sanders said that the Density by Plan Capacity is a summary of all the calculations in
660 the prior plan. He said the county will work with the township if there are changes it
661 wants to propose which raise and lower the density.

662

663 Mr. Sanders noted that he removed language relating to Land Application Systems. Mr.
664 Morrill asked about the sentence stating, "The pipe that discharges the pump station is
665 expensive to be increased and is not expected...." and said that it didn't make sense. Mr.
666 Sanders said that was the existing language and he believes it means that there is only so
667 much. There was additional discussion and Mr. Sanders agreed to modify the sentence so
668 that it makes sense.

669

670 Land Use Assumptions for Sewer Capacity and Land Use Density

671 For the purposes of allocating land use density based upon sewer capacity along, the four
672 assumptions were made and included in the text.

673

674 Policy Implications for Land Use – County Sewer

675 The county commissioners' sewer policy is "first-come, first-served." The county
676 sanitary engineer cannot and does not police the densities of land uses using the sewer so
677 it is up to the township to determine the density of population by zoning. If the township
678 wishes to exceed the average density for a parcel of land they must reduce another
679 parcel's land use for sewer or there will be "holes" in the sewer service area without
680 sewer capacity.

681

682 Mr. Sanders said there may come a time when there are more subdivisions approved on
683 paper than capacity, but it will depend on when those taps are purchased.

684

685 Electric

686 Electric service is provided to most of Berlin Township by American Electric Power and
687 limited areas in the northeast portion of the township by Consolidated Electric.

688

689 Figure 10.3 Utilities Map, Berlin Township indicates the township's major and minor
690 sewer lines, gas lines, power lines, and Electric Power Service District Boundaries
691 including American Electric Power and Consolidated Electric Co.

692

693 Wind turbines

694 Although currently there are no modern power-producing wind turbines in the county
695 there is current interest in alternative energy sources so it is possible that some could be
696 introduced to the area in the near future.

697

698 The Ohio legislation recently protected wind farm projects that produce greater than 5
699 megawatts from local regulatory control, so any significant wind farms would be treated
700 like a public utility and be regulated by the state.

701

702 Mr. Sanders said that he added a paragraph regarding wind turbines and how townships
703 may have to potentially deal with. Some townships are considering regulations for these
704 including specific language in the zoning codes which would regulate the placement of
705 "small wind projects" (which produce less than 5 mega-watts.).

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706

707 An unidentified person asked if a wind turbine was still planned for the Byers dealership
708 on Route 23. Mr. Sanders said he thought so, and the unidentified person thought that
709 was good.

710

711 Mr. Armstrong said that he discussed wind turbines with Byers recently.

712

713 Natural Gas

714 Mr. Sanders said that Berlin Township is served by Suburban Natural Gas of Lewis
715 Center and Columbia Gas. There is no shortage of natural gas that would restrict the
716 development of the township. An upgraded Columbia Gas trunk line was installed to
717 bring additional service to the southern portion of the county, which begins in Harlem
718 Township and traversed the southern townships, roughly following the high-tension lines
719 through Orange Township before terminating in Liberty Township.

720

721 Telecommunications/Cellular

722 Under current state and federal laws, telecommunications towers are permitted in any
723 non-residentially-zoned districts. Under Ohio law, townships can regulate
724 telecommunications in residential districts if objections are filed by abutting property
725 owners or township trustees.

726

727 Mr. Sedlacek asked if in this section there should be some information regarding cable.

728 Mr. Sanders said that he had considered it but there has been a move by the State of Ohio
729 to try to get a plan in every county to upgrade their broadband service and part of that
730 process is to identify where the service gaps are. He will look into the issue to see what
731 information he can obtain.

732

733 Mr. Armstrong said that he attended the ConnectOhio meeting last week and learned that
734 even though they have been trying to get a service area map it has been very difficult
735 because it is not regulated and it is not required that such a map be created. Even the
736 State of Ohio has not been able to obtain such a map.

737

738 Storm Water Management

739 Storm water management is reviewed by the Delaware County Engineer's Office for new
740 subdivisions, and road construction. The Delaware Soil and Water District maintains
741 ditches and reviews storm water plans by agreement with the County Engineer's ditch
742 maintenance program. As of January 2009 there were 26 projects on county ditch
743 maintenance.

744

745 Figure 10.4 Drainage Structures on Maintenance in Berlin Township indicates the
746 number of projects in the township (26), miles of open ditch (1.47), miles of storm tile
747 (12.73), retention/detention basins (26), and total value of improvements (\$3,425,213.00).

748

749 After discussion, it was agreed that Mr. Sanders would come back to the September BZC
750 meeting to present Chapters 11 and 12, and that he did not need to attend the August
751 2009 meeting.

752

753 **AGENDA ITEM: COMMENTS FROM THE ZONING INSPECTOR**

754

755 WIND TURBINES

756 Mr. Sedlacek said he has spoken to Mr. Armstrong regarding the fact that there are no
757 regulations in the zoning resolution regarding wind turbines. Mr. Armstrong distributed
758 information entitled "Wind Turbines – Anti-Zoning." This included the following
759 websites:

760

761 ➤ www.awea.org/smallwind/pdf/inthepublicinterest.pdf

762 ➤ www.nrel.gov/docs/fy05osti/38167.pdf

763 ➤ www.windpoweringamerica.gov/pdfs/workshops/2008/sw_zoning_overview.pdf

764

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765 Mr. Armstrong said there have been recent inquiries regarding wind turbines, and if the
766 township wishes to regulate them they need to work on it. He noted that zoning
767 information from Wood County, Ohio was provided by Mr. Sanders. He said that the
768 township is permitted to create zoning regulations on wind power which is less than 5
769 megawatts, and anything over amount is regulated by the State of Ohio as a utility. The
770 factors suggested for consideration when creating regulations include setbacks, not
771 placing the towers on property where there is a residential structure or adjacent to one,
772 homes should not be placed in the fall zone of the wind turbine towers, and also noise and
773 vibration.

774

775 Mr. Armstrong said that he included websites from proponents of wind energy, which he
776 doesn't think is a bad thing, but some of them feel that zoning should either be involved
777 slightly or not at all in the regulation of wind turbines.

778

779 Ms. Bringardner said that her grandchildren live near a large wind turbine field in the
780 New York state and she said the turbines are noisy at all, although they are large. Mr.
781 Armstrong said that some are noisy and some are not; some of the smaller ones have
782 large gear reductions in them and they generate more gear noise. He has visited large
783 fields in Wood County and on the Pennsylvania Turnpike. He said the township should
784 be cognizant of the wind turbines and related issues.

785

786 Mr. Armstrong said there are people are interested in the wind turbines but it has not been
787 as popular in this area. The prices in tool catalogs for wind turbines tend to be about
788 \$2,000.00 to \$10,000.00 each.

789

790 COUNTY MODEL PROPERTY MAINTENANCE CODE

791 Mr. Armstrong yesterday attended a meeting of the county model property maintenance
792 code and there will be subsequent meetings regarding this. He said a survey of the
793 townships will be done by Joe Place of Genoa Township to determine how much need or
794 desire there is for a county model property maintenance code. The issue is whether the
795 county would need to involve a property maintenance code as a model from an existing
796 model. Townships can chose to adopt or modify a model, but Berlin Township would
797 not develop one on its own.

798

799 Mr. Armstrong said that the process is in the very early stages at this time and a survey of
800 township trustees in Delaware County is being done to determine what problems there
801 are such as nuisance properties, etc and how that would fit with a model code. Mr.
802 Sedlacek opined that this would help the zoning inspectors quite a bit. Mr. Armstrong
803 agreed, but said there are some parts of the code which could be problematic.

804

805 BZC MEETING SCHEDULE

806 Mr. Sedlacek noted that the next BZC meeting will be on 8/11/09, and he noted that Ms.
807 Knapp had a conflict for the September 8, 2009 BZC meeting and would not be able to
808 attend. After additional discussion, the meeting was moved to 9/15/09 at 7:00 PM.

809

810 The next BZC meeting will be held on Tuesday 8/11/09.

811

812 ZONING RESOLUTION CHANGES

813 Mr. Armstrong distributed a draft of language from the zoning resolution which was
814 modified because state law changed to require only a majority of trustees to modify a
815 rezoning; prior to this change, a unanimous vote was required.

816

817 **AGENDA ITEM: BYERS REALTY REQUEST FOR EXTENSION (continued)**

818

819 There was a discussion about the Byers request discussed earlier in this meeting.

820

821

822

823

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824

Resolution 09.07.21.#03: Defer Byers Realty

825

Request for Extension of Zoning to August 2009 BZC Meeting

826

827 Mr. Hahn made a motion to defer the discussion until the next BZC meeting in August.

828

Ms. Bringardner seconded the motion.

829

All in favor say, "aye," all opposed signify with same sign. No opposition, motion

830

carried, discussion regarding Byers Realty's request deferred until August meeting.

831

832 Mr. Sedlacek asked Mr. Armstrong to talk to Mike Shade, attorney for Byers Realty, to

833

let him know that the BZC expects them to be present at the August meeting and that

834

they will be put first on the issue.

835

SYNOPSIS

836

837

ACCOMPLISHED

839

➤ Chapters 9 and 10 of the CLUP were reviewed and Mr. Sanders will modify the chapters for future review.

840

841

➤ The Byers Realty request for zoning extension was deferred to the August BZC meeting.

842

843

➤ The review of the CLUP will resume at the September 2009 meeting with Chapters 11 and 12.

844

845

➤ Mr. Hahn and Mr. Morill will meet with Asst. County Prosecuting Attorney Chris Betz regarding the legality of proposed amendments to the Expanded Home Occupations section of the zoning resolution, and the results of this meeting will be reported to the BZC. The draft language for this section will be brought back to this Commission for possibly approval at its August 2009 meeting.

846

847

848

849

850

➤ The September 2009 BZA meeting date was changed from 9/8/09 to 9/15/09 at 7:00 P.M.

851

852

FUTURE WORK

853

854

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

855

➤ The Commission will provide their input to Ms. Kerlin regarding their opinions on creating separate signage regulations for the Historic Cheshire District.

856

857

➤ Mr. Armstrong and Mr. Sedlacek will work on getting the fire department goals condensed pertaining to zoning.

858

859

➤ Dave Armbruster will be asked to attend the August 2009 BZA meeting to discuss the email he sent to the township a few months ago.

860

861

➤ The BZC will submit to Elizabeth Kline their comments regarding the draft of Chapter 4 of the CLUP, and others may submit their comments to Mr. Armstrong, who will forward them to Ms. Kline.

862

863

864

➤ Wind turbines, county model property maintenance code, and changes to the zoning resolution regarding requiring only a majority vote to approve a modified zoning text will be reviewed in the future.

865

866

867

868

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

869

Meeting adjourned at 9:26 PM.

870

871

Rick Sedlacek, Chairperson

872

873

Jerry Valentine, Vice-Chairperson

874

875

Jim Hahn, member

876

877

Kristin Yorke, member

878

879

Betty Bringardner, first alternate seated

880

Attest: _____

881

Lisa F. Knapp, Berlin Township Zoning Clerk