BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

REGULAR MEETING
OCTOBER 12, 2010

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

CALL TO ORDER

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

Ms. Bringardner led the meeting attendees in the recitation of the Pledge of Allegiance.

BZC Members Present: Rick Sedlacek; Jerry Valentine; Jim Hahn; Kristin Yorko; Betty Bringardner (1st alternate seated)
Absent: Rae Ann Kerlin (regular BZC member)
Also present: Toni Korleski (2nd alternate)

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

LEGAL NOTICE AND PROOF OF LEGAL NOTICE PUBLICATION

Zoning Clerk Lisa Knapp provided proof of publication for the legal notice for this meeting, which was published on September 29, 2010 in the Delaware Gazette, providing notification of the meeting date, time, and items for discussion.

BERLIN TOWNSHIP ZONING COMMISSION NOTICE OF PUBLIC MEETING

The Berlin Township Zoning Commission will hold a public meeting on October 12, 2010 at 7:00 p.m. at the Berlin Township House located at 3271 Cheshire Road, Delaware, Ohio 43015 to review and discuss all revisions made to the text and map associated with the Comprehensive Land Use Plan (CLUP). Discussions will continue on potential changes as a result of the Business Community Forum, as well as wind turbines, signage, and the Neighborhood Design Center proposal associated with Historic Village of Cheshire. The person responsible for giving notice of the public hearing by publication is Cathy Rippel. Questions concerning this matter should be directed to the Zoning Office at 740-548-5217. Township residents are encouraged to attend.

BERLIN TOWNSHIP ZONING COMMISSION
Rick Sedlacek, Chairman

APPROVAL OF MINUTES

It was agreed to approve the minutes from the September 2010 BZC meeting at the next meeting.

AGENDA ITEM: INTRODUCTION OF MEETING ATTENDEES

Mr. Sedlacek thanked Mr. Valentine for his meeting reminder calls last night and he asked the meeting attendees to introduce themselves.

- Dave Davis, with Flyaway Farms, a Christmas tree farm, 1950 Lackey Old State Rd.
- Scott Sanders, director of the Delaware County Regional Planning Commission (DCRPC)
- Jim Simpson, 5242 Finch Lane, said he was a member of the general public.
- Dave Leahy, Dale Ford Road
- Susan Plaisted, 547 Ruttington Lane, Westerville, OH 43082
- Gail Russell, 2425 Peachblow Rd., Lewis Center, OH 43035
- Jeff Baumann, 1224 Dale Ford Road
- Dave Armbruster, 477 Dunham Road
- Joe Korleski, Berlin Township BZA member
- Rick Gemienhardt, 881 Africa Road

- Don Sherman, 1469 Africa Road
- Michele Renick, Hedgerow Rd., Columbus
- Barbara Sherman, Berlin Township BZA member, 1469 Africa Road

Mr. Sedlacek thanked the attendees for coming to the meeting

AGENDA ITEM: STATUS REPORTS FROM SUB-COMMITTEES

Cheshire Business Update and Signage Sub-Committee, Article 22

Mr. Sedlacek noted that typically the meeting would start with the status reports, but Ms. Kerlin is not here to present her update regarding signage changes proposed for Article 22 of the zoning resolution. If she arrives prior to the completion of the Comprehensive Land Use Plan (CLUP) tonight that can be discussed.

Comprehensive Land Use Plan (CLUP) Sub-Committee

Mr. Sedlacek asked Mr. Valentine how many reminder phone calls he made for this meeting. Mr. Valentine said he made about 28 such calls and he thanked those in attendance for coming to this meeting.

AGENDA ITEM: REVIEW OF ENTIRE COMPREHENSIVE LAND USE PLAN (CLUP)

Mr. Sedlacek said that more than half of the audience members have been here for most of the review of the CLUP, and the BZC is very close to recommending its approval. He said that the BZC has reviewed the CLUP many, many times, and at the September 2010 meeting, the BZC agreed that they would each review it one last time and provide their input to Ms. Yorko within one week.

Mr. Sedlacek noted that Ms. Yorko was then going to discuss the changes with Mr. Sanders to incorporate the suggestions. He noted that most of the suggestions were just typos. A "clean" copy was then going to be created for further review by the BZC and he asked Ms. Yorko to provide a report on this.

Ms. Yorko said the revised copy was provided to the BZC. Mr. Sedlacek asked the BZC members whether they had additional changes or suggestions to the revised draft. Ms. Yorko said that on page 83 of the CLUP, the text states, "See Figure 3.11.2," and she asked Mr. Sanders to replace that text with, "See Figure 11.2" which was a minor change.

Mr. Valentine said on page 23, in the last full paragraph, second to last sentence, the text reads, "A chart detailing the strengths/weaknesses identified by the Commission can be found in the appendix." However, there are appendices A and B and he suggested that the text specify which index is being referenced. Mr. Sanders said the correct reference is, "Appendix B."

Mr. Valentine said that on page 25 of the CLUP, the text states, "In an appendix B," and he suggested deleting, "an." It was agreed that the change should be made.

Mr. Valentine said that on page 84 of the text, he had originally stated that it didn't indicate the elementary school between the high school and Shanahan Road. This version includes that change but Cheshire Elementary was changed to "Future Elementary" and that should be changed back. It was agreed to make the change.

Ms. Bringardner said that she had noticed that as well. She said that on one page of the CLUP, some text stated that an elementary school was being built; however, that school, Cheshire Elementary, has already been built and is currently occupied. The other one is between the high school and the middle school and no details were provided. Mr. Sedlacek noted that one is a future school still because it is being built right now.

Mr. Sanders asked whether the school on Curve Road was a middle school, as the CLUP indicates that it is an elementary school. Mr. Armstrong said he thought it was a middle school. It was agreed to change the reference from an elementary school to a middle school.

Ms. Korleski said she didn't have any proposed changes, but she wasn't sure which draft the BZC was working off of. Mr. Armstrong said it was the version received just this past Friday and there are copies available at this meeting, which he distributed.

Mr. Sedlacek asked whether there were any comments from the audience concerning the revised CLUP. He asked whether Mr. Sanders had found any further corrections that were necessary.

Mr. Sanders said he made some small adjustments to the map but they didn't impact anything which had been discussed. For example, he took out the city water service area because it is referenced elsewhere and that reference served only to confuse the reader.

Mr. Sanders said that he did not put the names of the sub-areas on the big map. Ms. Yorko said she thought he had done that. Mr. Sanders said that he did it right before all the sub-areas.

Mr. Sedlacek said that there are two options and he asked for the BZC's preference.

1) The BZC can approve tonight the CLUP draft with the five changes which were discussed.
2) The changes can be made to the CLUP draft for further review and it can be approved at the next meeting.

Mr. Hahn suggested approving the CLUP tonight with the minor changes. Ms. Yorko and Mr. Valentine agreed. Ms. Bringardner said she would prefer to wait until Ms. Kerlin arrives at the meeting as she brings with her much knowledge. Mr. Sedlacek said it was uncertain at what time Ms. Kerlin would arrive at this meeting, and also if the 6 members in attendance wish to approve the CLUP tonight with the minor changes, Ms. Kerlin's vote would be moot.

Ms. Korleski said she preferred to approve the CLUP with minor changes and Mr. Armstrong agreed but said he counted 6 changes so they should be reviewed in detail for accuracy.

Mr. Sedlacek reviewed the proposed modifications as follows:

1) Page 83, replace, "Figure 3.11.2," with, "Figure 11.2."
2) Page 23, two lines above, "Strengths," the reference to the appendix should indicate that it is Appendix B.
3) Page 25, last line before the last bullets, the text should state, "results are included in Appendix B;" the word, "an," should be removed.
4) Page 84, on the map, "future elementary school," should be replaced with, "Cheshire Elementary."
5) On page 84, "future elementary school," should be replaced by, "future middle school."
6) On page 93, the reference on the map to a future elementary school should be changed to a reference to a middle school.

Mr. Sanders noted that the procedure is that the BZC will initiate the process, the CLUP will be reviewed by the DCRPC and its comments provided, then the CLUP will come back to the BZC and the BZC will probably take action to approve it and it will go onto the trustees for final approval.

Resolution 10.12.10.#1: Initiate Approval Process for the Comprehensive Land Use Plan

Mr. Valentine made a motion to initiate the approval process for the Comprehensive Land Use Plan as revised, with the following 6 additional minor changes:

1) Page 83, replace, "Figure 3.11.2," with, "Figure 11.2."
2) Page 23, two lines above, "Strengths," the reference to the appendix should indicate that it is Appendix B.
3) Page 25, last line before the last bullets, the text should state, "results are included in Appendix B;" the word, "an," should be removed.
4) Page 84, on the map, "future elementary school," should be replaced with, "Cheshire Elementary."
5) On page 84, "future elementary school," should be replaced by, "future middle school."
6) On page 93, the reference on the map to a future elementary school should be changed to a reference to a middle school.

Further, the BZC requests that the CLUP be sent to the Delaware County Regional Planning Commission for its comments.

Ms. Yorko seconded the motion. Vote: Valentine, yes; Yorko, yes; Bringardner, yes; Hahn, yes; Sedlacek, yes. Motion carried, approval process for the CLUP initiated.

Mr. Sedlacek congratulated all who have worked so hard on the revisions to the CLUP, including Mr. Sanders, the BZC members, Ms. Knapp, Mr. Armstrong, and the audience members. He said it is a difficult process to review such a large and complicated document from the beginning to the end.

Mr. Sanders said that he appreciated working with the BZC and said he would be back in the future. He said he has enjoyed being here with the BZC to review the CLUP. He noted that every community is different and that each one has a different approach to the process.

AGENDA ITEM: NEIGHBORHOOD DESIGN CENTER PROPOSAL STATUS AND DETERMINING APPROPRIATE PARTY TO SIGN APPROVAL

Mr. Sedlacek said that at the last meeting, it was discussed that Mr. Sanders had suggested that Mr. Sedlacek sign the contract with the Neighborhood Design Center (NDC) but he was not comfortable with that and instead it was sent onto the trustees for their approval.

Mr. Sedlacek said it was sent on to the trustees, and he asked whether that body had provided any feedback to Mr. Armstrong. Mr. Armstrong said they had not provided any such input at this point. Mr. Sedlacek asked him to remind the trustees to review the information. He is aware that the trustees have a busy agenda, but it was this BZC's hope that the trustees would take it upon themselves to sign the document.

Mr. Sedlacek asked that Mr. Armstrong contact the trustees tomorrow to ensure that the request is still on the table.

Mr. Sedlacek said that Ms. Kerlin was still not at the meeting and he asked whether there was any other business which needs to be brought before the BZC or whether there were any additional comments from the audience.

Ms. Korleski said that regarding the proposed changes to signage in Article 22, she wasn't sure whether there were any updates on the height of commercial signs as indicated on the charts in the zoning resolution. The last she heard, that subject was to be

discussed and any proposed guidelines were to be brought forward. However, she has not heard of any guidelines.

Mr. Sedlacek said that at the meeting last month, the BZC agreed to provide any proposed changes to the CLUP within one week of that meeting, and also Article 22 changes regarding signage would be provided to Ms. Kerlin within 2 weeks of that meeting. That input was to provide Ms. Kerlin with some guidance to any proposed changes.

Ms. Korleski said that in particular, she was referring to a possible increase in the monument-style freestanding signs for increased setbacks. She asked if there had been any updates on that at all.

Mr. Armstrong said Ms. Kerlin sent an email this evening to him which includes a proposed table. Mr. Sedlacek said he provided Ms. Kerlin with his suggestions but he wasn't sure whether others' comments had also been provided and/or gathered. Mr. Armstrong noted that a trustee meeting is currently being held in the room at the township hall where the copier is so he can't make any copies for the BZC.

Mr. Sedlacek said that being discussed was page 6, Section 22.03 c) 2, Allowable Height, and there is currently an 8' maximum. His suggestion was to require a maximum height of 8' at a setback of 15' from the road right-of-way, with an increase to a 10' height at a 19' setback, to 12' at a 23' setback, and 14' at a 27' setback, with a maximum of 14' for any monument-style freestanding sign.

Mr. Hahn said that the table provided by Ms. Kerlin in her email included that information, and increased the height in increments of 6" for every additional foot of setback. Mr. Sedlacek asked if that seemed to match his suggestions. Mr. Hahn said it seemed like it did.

Ms. Korleski said she was uncertain whether any engineering guidelines or other criterion were used to make those proposals. Mr. Sedlacek said he wasn't sure, but some comments that he heard from business owners during the business owners forum a few years ago was that signs which are required to be set back very far cannot easily be seen, and they would prefer that an increase in their height was allowed. The zoning resolution seemed to be conservative in that respect, and the BZC agreed to consider changing it.

Ms. Korleski asked whether the setbacks which were suggested were arbitrary. Mr. Sedlacek said that his were. Ms. Korleski said that she had been looking for guidelines but there were none, so it seemed that the figures would have to be created arbitrarily.

Mr. Sedlacek said that some townships, such as Berkshire Township, have huge pole signs. Berlin Township has always been very conservative with signage and the BZC agreed to consider allowing more height when the setback is further back. If Ms. Kerlin's proposal matches what he also proposed, that is where the process is at this point. He wished that Ms. Kerlin was here to comment on the issue.

Mr. Sedlacek asked whether the other BZC members had any other major issues which needed to be discussed. Mr. Hahn said he was very satisfied with Ms. Kerlin's proposal which was put online regarding the other signage issues.

Mr. Sedlacek asked that the BZC review that information again and be prepared at the next meeting in November to discuss and/or recommend its approval. He felt that it is a step in the right direction to relax some of the signage regulations, per the suggestions of the business owners.

Mr. Hahn noted that Ms. Kerlin included one comment in the proposal that she suggested the BZC look at.

AGENDA ITEM: BUSINESS FROM THE ZONING INSPECTOR

Wind Turbines

Mr. Armstrong said that he knew that sooner or later somebody would request a wind turbine in the township, and a party has now inquired about an application for a wind turbine. The turbine would be small enough that it would be under township jurisdiction. He suggested that the BZC consider discussing wind turbines again.

Mr. Armstrong said that lacking specific regulations on wind turbines, the only thing the township can control about wind turbines is the tower height, which was mentioned as being less than what is proposed in the township for wind turbines. He does not have all the details and thus is not sure what kind of wind turbine they are requesting. Currently, the limit is a 100' height for towers, antennas, elevator shafts, church belfries, etc.

Mr. Armstrong said that during the last discussion on the issue, the BZC had considered draft language from DCRPC and that included a 125' height limit. He suggested that the BZC consider placing a discussion regarding wind turbines on its agenda.

Mr. Sedlacek agreed and said that would be a good topic for next month's meeting, when discussions Article 22 of the zoning resolution would also be completed. He noted that no real decisions had been made in the township regarding wind turbines and perhaps he should have asked Mr. Sanders to stay for the rest of the meeting.

Mr. Sedlacek asked whether any other townships have already adopted language regarding wind turbines. Mr. Armstrong said he wasn't sure, but he can look into that and provide his feedback to both Mr. Sanders and the BZC. Mr. Sedlacek noted that if another township has already approved language it would make it easier on Berlin Township as it can use the existing language as a starting point for its own language to be modified as the BZC sees fit.

Mr. Hahn said he recalled that the code states language stating that if the item falls it can't go over the boundary line. Mr. Armstrong said that is currently included in the Berlin Township zoning resolution as language regulating antennas, towers, etc. He said that the preliminary language developed by DCRPC for several townships, which had been discussed by the BZC in the past, is more liberal regarding total height than current Berlin Township zoning regulations.

Mr. Sedlacek said having specific language in place would be helpful because it would make Mr. Armstrong's job easier; currently, there is not much to tell those who inquire about wind turbines. Mr. Armstrong agreed and said that the only regulations in place are the maximum height and setback from the property line.

Mr. Sedlacek said that in addition to contacting the township trustees regarding the NDC, Mr. Armstrong will also contact Mr. Sanders to see whether any other township has regulations regarding wind turbines. He asked the Commission to start thinking about wind turbine language.

Mr. Hahn said he recalled that Mr. Armstrong had already provided some documents regarding wind turbines. Mr. Armstrong said that was the preliminary language and he was uncertain whether or not any other township has modified that language and approved it in their zoning regulations.

Mr. Gemienhardt voiced his appreciation for everybody who has worked on the update of the CLUP and mentioned that the BZC did an excellent job, including Ms. Knapp and Mr. Armstrong. He said that he really appreciated the openness of the meetings and that everybody was given a chance to provide input. Due to this process, there shouldn't be many complaints in the future. The BZC did an outstanding job of communicating to the public and providing an opportunity to speak for anybody who wished to do so.

Mr. Gemienhardt said he didn't feel that there were any contentious issues that were still open, although when the economy turns and development picks up again something may happen. He expressed great appreciation for the process, and said all parties involved should be commended for keeping the process open, honest, and above everything else, it was a democratic process where township residents, board members, and owners of large parcels were all welcome to bring their comments and concerns to the Commission for an open discussion.

Mr. Gemienhardt said that he felt that the township was very well-positioned for the future, and that the money and time spent on this process was very well spent.

Mr. Sedlacek thanked him for his comments, and noted that when the process began, it was the Commission's intention to obtain input from as many people as possible who live in the community. In order to achieve greater participation, residents were contacted via the newsletter, door-to-door contact, the newspaper, and phone calls. He felt that the BZC tried to incorporate as many different people and as much information into the process as possible.

Mr. Simpson echoed Mr. Gemienhardt's comments regarding the process of the CLUP review. Mr. Sedlacek said that there have been regular attendees at this meeting and that interest from the community makes the BZC want to work harder at the job and do it right. He agreed that in the future, the township cannot be accused of trying to conduct the process in private; the BZC was very open and asked for as much input as possible in the process. He thanked Mr. Simpson for his comments as well.

Mr. Sedlacek noted that the next BZC meeting will be held on Tuesday, November 9, 2010 at 7:00 PM. Mr. Hahn suggested that since that meeting will be held two days before veteran's day, perhaps a Marine Corp veteran should be allowed to lead the pledge of allegiance at that meeting.

Mr. Sedlacek asked whether there was any other business which needs to be brought before the BZC or whether there were any additional comments from the audience. None were brought forward business to come before the BZC.

SYNOPSIS

Accomplished

- The following resolution was passed:
  "Resolution 10.12.10.#1: Initiate Approval Process for the Comprehensive Land Use Plan."

Homework

- Mr. Armstrong will contact the township trustees to discuss who is authorized to sign the Neighborhood Design Center contract.
- Proposed modified language provided by Ms. Kerlin for Article 22 of the zoning resolution will be reviewed at the next meeting.
- BZC members will review and provide input regarding adding a maximum allowable height column to be added to the text indicated on page 6 of the document provided by Ms. Kerlin, item 22.03 C. regarding the two tables which indicate the total display area of a sign and corresponding setbacks for commercial/office monument style signage for discussion at the next meeting.
- Language regulating wind turbines in the township will be discussed at the next meeting. Mr. Armstrong will research whether any townships in the area have already approved such language.

Future Work

- The BZC is considering creating a list, for internal use only, which would be a "Cheat sheet"/informal guidance document to include a list of items which should be reviewed for re-zonings, including reasons why a property shouldn't be rezoned in a

certain classification per information included in the CLUP, such as incorrect density, lack of sewer service; clarification regarding what is intended by Transitional Planned Unit Developments; etc.

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

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Rick Sedlacek, Chairperson

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Kristin Yorko, Vice Chairperson

_____
Jerry Valentine, member

_____
Betty Bringardner, 1st alternate seated

_____
Jim Hahn, member

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