

**BERLIN TOWNSHIP ZONING COMMISSION (BZC)**

*OF DELAWARE COUNTY, OHIO*

**REGULAR MEETING**

**TUESDAY, APRIL 11, 2017, 7:00 PM**

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

3 **CALL TO ORDER**

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5 The meeting was called to order by Chairperson Toni Korleski at 7:00 PM.

6  
7 Martin Johnson led meeting attendees in the pledge of allegiance.

8  
9 BZC Members present: Toni Korleski, Jerry Valentine, Darcy Kaplan, Steve Spangler,  
10 Ken O'Brien.

11 BZC Alternates present: BZC 1<sup>st</sup> alternate member Mike Bardash, BZC 2<sup>nd</sup> alternate  
12 Martin Johnson.

13 Also present: Zoning Clerk Lisa Knapp, Zoning Inspector Chet Heid, Zoning Secretary  
14 Cathy Rippel.

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

18  
19 **AGENDA ITEM: LEGAL NOTICE**

20  
21 Ms. Knapp said the meeting was advertised in the 3/30/17 Delaware Gazette as follows:

22  
23 *BERLIN TOWNSHIP ZONING COMMISSION NOTICE OF PUBLIC HEARING*

24  
25 *The Berlin Township Zoning Commission will hold a public hearing April 11, 2017 at*  
26 *7:00 p.m. at the Berlin Township Hall located at 3271 Cheshire Road, Delaware, OH*  
27 *43015. The purpose of the hearing, initiated by the Berlin Township Zoning Commission,*  
28 *contains proposed revisions to the Berlin Township Zoning Resolution and would, if*  
29 *adopted revise certain textual provisions, designated Case*

30  
31 ♦ *BZC 17-001; Article 9 – Multi-Type Residential District (R-3), Article 10 – Multi-Type*  
32 *District (R-4), Article 11 – Planned Residential Development (PRD), Article 13 –*  
33 *Transitional Planned Unit Development (TPUD), & Article 24 – General Development*  
34 *Standards;*

35 ♦ *BZC 17-002; Article 11 – Planned Residential Development (PRD), Section 11.10,*

36 ♦ *BZC 17-003; Article 11 – Planned Residential Development (PRD), Section 11.03; &*

37 ♦ *BZC 17-004; Article 12 – Neighborhood Commercial District, (NCD).*

38  
39 *Also, any other business that comes before the commission. The text and map of these*  
40 *applications will be available for public examination from, March 30 to April 11, 2017,*  
41 *Monday-Friday from 9:00 a.m. to 2:00 p.m. at the Berlin Township Zoning Office located*  
42 *at 3271 Cheshire Rd., Delaware, OH 43015 or on our website [www.berlintwp.us](http://www.berlintwp.us).*

43 *Questions concerning this matter should be directed to Chet Heid Zoning Inspector at*  
44 *740-548-5217 x103. After the conclusion of the hearing, the matter of BZC 17-001, BZC*  
45 *17-002, BZC 17-003, & BZC 17-004, will be submitted to the Board of Township Trustees*  
46 *for its action. The person responsible for giving notice of the public meeting by*  
47 *publication is Cathy Rippel. Township residents are encouraged to attend.*

48  
49 *Toni Korleski, Chairperson*  
50 *Berlin Township Zoning Commission*

51  
52 **AGENDA ITEM: APPROVAL OF MINUTES**

53  
54 Ms. Korleski made a motion to approve the minutes from the 3/28/17 BZC meeting. Mr.  
55 Valentine seconded the motion.

56 Vote: Korleski, yes; Valentine, yes; Kaplan, abstain; Spangler, yes; O'Brien, yes. Motion  
57 carried, minutes approved.

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58

**AGENDA ITEM: INTRODUCTION OF MEETING ATTENDEES**

59

- 60 ♦ Doug Tailford, with M/I Homes
- 61 ♦ Marti Davis, 1950 Lackey Old State Road
- 62 ♦ Barbara Sherman, 1469 Africa Road
- 63 ♦ Joe Korleski, 3584 Greenville Drive
- 64 ♦ Jason Bacher, 3720 Berlin Station Road
- 65 ♦ Tom Stenger, 220 Lackey Old State Road

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**AGENDA ITEM: BZC #16-012 THE PINES**

68

69 *BZC 16-012, filed by Lee Kun Roh and Kyung Ju Roh; David C. Davis and Martha L.*  
70 *Davis, c/o Underhill and Hodge LLC, Aaron L. Underhill, 8000 Walton Parkway, Suite*  
71 *260, New Albany, OH 43054. The applicants are requesting approval of a preliminary &*  
72 *final development plan known as The Pines to rezone from Farm Residential District (FR-*  
73 *1) to R-2/Planned Residential District (PRD) 160.285 ± acres, Parcels*  
74 *#41824001095000, 41824001094000, 41831001001000, 41831001002000,*  
75 *41831001003000, 41831001004000, & 41831001005000, 1950 Lackey Old State,*  
76 *Delaware, OH 43015.*

77

78 Doug Tailford, with M/I Homes, requested that this application be tabled to 5/9/17. He  
79 said he needs some more time to work on the revisions; the applicant is working hard to  
80 meet all the requests of the BZC and he felt they will be very happy with the results. He  
81 will have all revised items in by the deadline of 4/24/17.

82

83

**RESOLUTION 2017.04.11.#A:**

84

**TABLE AND CONTINUE BZC #16-012 TO 5/9/17 AT 7:00 P.M.**

85

86 Mr. O'Brien made a motion to table and continue BZC #16-012 to 5/9/17 at 7:00 p.m. at  
87 3271 Cheshire Road. Mr. Valentine seconded the motion.

88

89

Vote: O'Brien, yes; Valentine, yes; Kaplan, yes; Spangler, yes; Korleski, yes. Motion  
carried: BZC #16-012 tabled and continued to 5/9/17 at 7:00 p.m.

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**AGENDA ITEM: BZC #17-001 ZONING RESOLUTION MODIFICATIONS**

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- ♦ BZC 17-001 – remove the Multi-Family references from the R-3 and R-4 zoning classifications and insert all Multi-Family references in the Transitional Planned Unit Development (TPUD)

95

- ♦ Article 9 Multi-Type Residential District (R-3)

96

- Change the title to Residential District High Density (R-3)

97

- Under Permitted uses in Section 9.03 A.), change the wording to read: "Single-

98

Family Residential Structures limited to one (1) single family dwelling per parcel, tract, or lot."

99

100

- ♦ Article 10 Multi-Type Residential District (R-4):

101

- Change the title to Residential District Medium Density (R-4). Under Permitted

102

uses in Section 10.03 A.), change the wording to read: "Single-Family Residential

103

Structures limited to one (1) single-family dwelling per parcel, tract, or lot."

104

- ♦ Article 11 Planned Residential Development (PRD), in Section 11.03 Location of PRD (open space) Development:

105

- 1) Include the zoning classification TPUD to be allowed to have the PRD Overlay.

106

- 2) This is actually covered in Article 13 (TPUD) in Section 13.02 C.) which allows

107

for this overlay under cluster housing, but for consistency it should also be shown

108

in Article 11 Section 11.03.

109

- 3) Section 11.04 A.) and B.) Permitted Uses: include TPUD in the wording.

110

- ♦ If TPUD is to be used for multi-family structures, Article 13 Transitional Planned Unit Development (TPUD), in Section 13.02 A.) Permitted Uses:

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112

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- 113       ○ 1) Change the wording to read: “Multi-Family residential structures of any type  
114           attached or detached units including but not limited to attached, modular patio,  
115           common wall or any reasonable variation on the same theme.”  
116       ◆ Article 24 General Development Standards, in Section 24.05 Setback Regulations:  
117           ○ 1) Insert the TPUD into the table.  
118           ○ 2) Remove the Multi-Family Planned Residential District zoning classification.

119       Ms. Korleski said she had emailed Scott Sanders, director of the DCRPC (Delaware  
120       County Regional Planning Commission), regarding removing the multi-family references.  
121       She said she has sent additional paperwork to the BZC and she asked the BZC to refer to  
122       it.

123  
124       Ms. Korleski said that the DCRPC minutes indicate Mr. Sanders had suggested having  
125       him do the wording because it was not clear for him. Ms. Korleski added the information  
126       as an exhibit to the file and said the changes are indicated via red lettering and the dates  
127       the changes are made need to be added to the zoning resolution as well.

128  
129       Ms. Korleski said that in Article 5, Districts and Boundaries, in the chart in 5.01 Zoning  
130       Districts, “Multi-Type Residential District” (Article 9) was changed to “Residential  
131       District High Density,” and “Multi-Type Residential District” (Article 10) was changed to  
132       “Residential District Medium Density.” The corresponding language changes were also  
133       made in Section 5.053 and 5.054

134  
135       Ms. Korleski said Mr. Sanders has done what the BZC wanted him to do, which is  
136       essentially to remove the multi-family out of the zoning codes and put them where they  
137       belong in the TPUD. This is because if there is a current approval on a development and  
138       all the lots are not sold, another owner could take over and request a change of use from  
139       the BZC. Mr. Heid said it would be a modification.

140  
141       Ms. Korleski said the BZC would be required to allow the developer to build condos there  
142       because the zoning resolution states that those uses are allowed in those areas. She said  
143       she wanted to eliminate that so they are not able to do that. For example, the Cottages at  
144       Northlake Woods development allows for TPUD, which is a good area for that kind of  
145       housing.

146  
147       Ms. Korleski said Article 10 (R-4) was modified in Section 10.03: Permitted Uses.  
148       Currently the text reads:

149  
150       *Within the Multi-Type Residential District (R-4), the following permitted uses exist:*

151       *A.) Residential structures of any type, either single family or multi-family, including*  
152       *but not limited to detached, semi-detached, attached, industrialized units*  
153       *(modular), permanently sited manufactured homes, common wall or any*  
154       *reasonable variation on the same theme. A minimum net lot size of twenty*  
155       *thousand (25,000) square feet per dwelling unit shall be required.*

156       This language was changed to:

157  
158       *Within the Residential District Medium Density (R-4), the following permitted uses*  
159       *exist:*

160       *A.) Single-family residential structures limited to one (1) single-family dwelling per*  
161       *parcel, tract, or lot. A minimum net lot size of twenty thousand (25,000) square*  
162       *feet per dwelling unit shall be required.*

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163 Mr. Heid noted that a typo exists in the language: twenty thousand is not (25,000). Ms.  
164 Korleski asked how it read in the zoning resolution. Mr. Heid said he would need to go  
165 look. Ms. Korleski said she did not think the BZC needs to correct each little thing, but  
166 they want to note that their intent is to change this and have the language reviewed again  
167 by the DCPRC for corrections.

168  
169 Mr. O'Brien asked whether this process is just to initiate the changes again. Ms. Korleski  
170 said "no" and that this is a motion to approve it as it has already been initiated and  
171 reviewed by the DCRPC, who had a few tweaks. Now they will be sent back up to the  
172 DCPRC for final wording and then it will go to the trustees for approval. This needs to be  
173 approved or disapproved first prior to it going to the trustees.

174  
175 Mr. O'Brien said he thought the BZC would want to correct the twenty thousand (25,000)  
176 issue. Mr. Valentine agreed and said 10.01: Purpose also references 25,000 square feet.

177  
178 It was confirmed that the existing zoning resolution text indicates "twenty thousand  
179 (25,000)." Mr. Heid said the R-3 also indicates the same typo.

180  
181 Ms. Korleski said the next change is in Article 11 Planned Residential District (PRD).  
182 The language currently reads:

183  
184 *Section 11.03: Location of Planned Residential (Open Space) Developments*  
185 *Planned Residential Development zoning may be overlaid on FR-1, R-2, R-3, and R-4*  
186 *zones pursuant to a zoning map amendment approved by the township. When used as*  
187 *an overlay, the density of the underlying zoning shall be used to determine the number*  
188 *of units allowed. All other standards shall be as defined in Article 11.*

189  
190 The proposed language is:

191  
192 *Section 11.03: Location of Planned Residential (Open Space) Developments*  
193 *Planned Residential Development zoning is intended to be used only as an overlay in*  
194 *conjunction with the may be overlaid on FR-1, R-2, R-3, R-4, and TPUD zones*  
195 *pursuant to a zoning map amendment approved by the township. The density of the*  
196 *underlying zoning shall be used to determine the number of units allowed. All other*  
197 *standards shall be as defined in Article 11.*

198  
199 Ms. Korleski said this does not read right. Mr. Heid said the PRD should not be used on  
200 its own. Ms. Korleski said FR-1, R-2, R-3 and R-4 can be zoned without an overlay.  
201 There was a discussion. Mr. Johnson suggested deleting "may be overlaid on."

202  
203 Ms. Korleski said the originally initiated language indicates "Planned Residential  
204 Development zoning may be overlaid on FR-1, R-2, R-3 or R-4 pursuant to a zoning map  
205 amendment approved by the township. The density of the underlying zoning shall be  
206 used to determine the number of units allowed. All other standards shall be as defined in  
207 Article 11.

208  
209 Mr. Heid said he is trying to address PRD as not being allowed to be used on its own and  
210 FR-1, R-2, R-3, and R-4 districts can stand alone. Ms. Korleski suggested deleting "the  
211 may be overlaid on" as follows:

212  
213 *Section 11.03: Location of Planned Residential (Open Space) Developments*  
214 *Planned Residential Development zoning is intended to be used only as an overlay in*  
215 *conjunction with FR-1, R-2, R-3, R-4, and TPUD zones pursuant to a zoning map*  
216 *amendment approved by the township. The density of the underlying zoning shall be*  
217 *used to determine the number of units allowed. All other standards shall be as defined*  
218 *in Article 11.*

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220 The BZC agreed with this revision.

221

222 Mr. Heid said that in Section 11.03, the following language could be used:

223

224 *“Planned Residential Development zoning may be overlaid on FR-1, R-2, R-3, R-4*  
225 *and TPUD zones pursuant to a zoning map amendment approved by the township.”*

226

227 Ms. Korleski said that is what is stated and she read the paragraph. Mr. O’Brien said that  
228 would ensure PRD could not be used in another district. Ms. Korleski said that was  
229 correct.

230

231 Ms. Korleski said that Article 13 Transitional Planned Unit Development (TPUD)  
232 currently reads:

233

234 *Section 13.02: Permitted Uses*

235 *Within the Transitional Planned Unit Development (TPUD) the following uses, when*  
236 *approved by the development plan process and developed in strict compliance with*  
237 *the approved development plan and standards shall be permitted:*

238 *A.) Multi-family residential structures of any type having two (2) or more dwelling*  
239 *units per structure, including but not limited to attached, modular, patio,*  
240 *common wall or any reasonable variation on the same theme.*

241 This language has been changed as follows:

242

243 *Section 13.02: Permitted Uses*

244 *Within the Transitional Planned Unit Development (TPUD) the following uses, when*  
245 *approved by the development plan process and developed in strict compliance with the*  
246 *approved development plan and standards shall be permitted:*

247 *A.) Multi-family residential structures of any type, attached or detached units*  
248 *including but not limited to attached, modular, patio, common wall or any*  
249 *reasonable variation on the same theme.*

250 Ms. Korleski said she did not know why he crossed out “having two (2) or more dwelling  
251 units per structure.” This is stating that any multi-family type residential structures will  
252 be allowed in there.

253

254 Mr. Valentine said they could be single family units with two or more so they would need  
255 to have at least doubles. Ms. Korleski said the cluster homes are single.

256

257 Ms. Korleski said that in Section 24.05, the following table was modified, and she  
258 reviewed it.

259

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USE CLASSIFICATION		ROAD CLASSIFICATION		
		CLASS A	CLASS B	CLASS C
FR-1	Farm Residential	130	100	90
R-2	Low Density Residential	130	80	70
R-3	<del>Multi-Type</del> Residential High Density	130	80	70
R-4	<del>Multi-Type</del> Residential Medium Density	130	80	70
PRD	Planned Residential	A*	A*	A*
NCD	Neighborhood Commercial	130	100	90
TPUD	Transitional Planned Unit Development	A*	A*	A*
MFPRD	<del>Multi-Family Planned Res. Dist.</del>			
POD	Planned Office	A*	A*	A*
PCD	Planned Commercial and Office	A*	A*	A*
OCPUD	Old Cheshire Planned Unit District	A*	A*	A*
I	Industrial	130	130	100
PID	Planned Industrial	A*	A*	A*

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There was no further discussion.

**RESOLUTION 2017.04.11.#B: APPROVE BZC #17-001**

Ms. Kaplan made a motion to approve BZC #17-001. Mr. Valentine seconded the motion.

Ms. Knapp asked whether the BZC intended to send the recommendation of approval to the trustees. Ms. Korleski said she thought it needed to go back to the DCRPC for final copy. Ms. Rippel said by the time the minutes are done, Mr. Sanders will have a clean copy that she can pass over to the trustees.

Ms. Kaplan said she was recommending approval to the trustees. Ms. Korleski said that was with the changes in place. Mr. O'Brien added that the clerk is directed to forward the recommendation to the trustees. Mr. Spangler asked whether it needed to go to the prosecutor. Ms. Korleski said she did not think so and that it was already reviewed by the prosecutor.

Ms. Korleski said the wording will go to Mr. Sanders. The packet included a letter from Delaware County assistant prosecutor regarding the changes to the one-step/two-step process, and that had to go to the prosecutor's office because there was a question regarding whether it provided what the Ohio Revised Code was asking for. Mr. Fowler's letter said that is an unfounded statement and that there is nothing in the ORC that states whether there will be a one-step or a two-step. Mr. Heid said the two steps can be done within a period of time.

Mr. Spangler asked whether it was going to the prosecutor's office prior to the trustees. Ms. Korleski said she did not think so because it did not change, and the trustees will have the final approval on it.

Vote: Kaplan, yes; Valentine, yes; O'Brien, yes; Spangler, yes; Korleski, yes. Motion carried.

**AGENDA ITEM: BZC #17-002 ZONING RESOLUTION MODIFICATIONS**

*BZC 17-002 - Section 11.10 B.), to eliminate the "B.)" which is the one-step process for a zoning application, so that all applications must follow a two-step process for a rezoning application.*

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301 Mr. Spangler said it seemed that the DCRPC and the prosecutor's office are somewhat  
302 skeptical about this proposal. Ms. Korleski said that Mr. Sanders was concerned it would  
303 be a violation of the Ohio Revised Code. Assistant Delaware County Prosecutor Mark  
304 Fowler researched the ORC and found there is no reference to a one-step or two-step  
305 process; the requirement is only to allow the applicant time to present their application.  
306 There had also been a discussion regarding allowing a simple application for smaller  
307 parcels under 10 acres that would allow for a one-step zoning. Mr. Heid said that was up  
308 to the township. Ms. Korleski said that would open a can of worms; it has to be one or the  
309 other because some applicant may complain.

310

311 Ms. Korleski said approving this would not result in applications taking longer to be  
312 considered; every one-step rezoning has been extended. Ms. Kaplan said it has created  
313 confusion. Ms. Korleski said the applicants typically think they are providing everything  
314 required for the one-step process, but they do not; they do not provide the engineering  
315 because it is costly, but they want it to all be approved in one step.

316

317 Mr. Heid said they seem more adamant about getting their zoning set and that makes their  
318 ball start rolling more than a one-step zoning and they are concerned there will be a delay.

319

320 Mr. O'Brien said Mr. Fowler's email seemed to indicate that a two-step zoning could not  
321 be done as quickly as a one-step zoning. He asked Mr. Heid to walk the BZC through the  
322 process of a two-step being as fast a one-step. Mr. Heid said the one-step applications  
323 never have all the details completed because they have so much to do. Mr. O'Brien said  
324 if somebody has the wherewithal to get it all done properly in a one-step zoning, they  
325 should be able to apply for a one-step zoning. He asked how an applicant would apply for  
326 the second step simultaneously.

327

328 Mr. Heid said it may not be at the same time, but if they had all the engineering done or  
329 nearly done they could come in and present the final application. Mr. O'Brien asked what  
330 the trigger for the starting of the second part. Ms. Korleski said that it would go before  
331 the trustees for final approval. Mr. Heid said they would need to get their zoning through  
332 the trustee. Mr. O'Brien asked how it could be done as quickly. Mr. Heid said it is  
333 possible to get zoning and the two-step zoning done in the period of time required by the  
334 ORC.

335

336 Mr. O'Brien asked how the two-step zoning could be done as quickly as a one-step  
337 zoning. Mr. Heid said it probably can be if the applicant has everything ready to go. Ms.  
338 Korleski said the applicant does not have to wait for trustee approval of the zoning; they  
339 can present the final prior to that.

340

341 Mr. O'Brien asked again how they could get it done as quickly as a one-step zoning. Mr.  
342 Heid said that was a hard question to answer because there are so many variables. Ms.  
343 Korleski said it would probably take 1-1.5 months as they could submit the second step  
344 and hear it at the next meeting. Mr. O'Brien asked whether the second step has to come  
345 through the same process as the first step including DCRPC. Mr. Heid said it did not and  
346 the second step could be submitted the next day. The final development plan does not go  
347 before the trustees, however.

348

349 Ms. Rippel said a good example is Howard Farms, who came in for a preliminary and  
350 final at the same time. The BZC approved it and it went to the trustees, and the 30 day  
351 referendum period expired. When a preliminary plan is approved, it goes to the trustees,  
352 and there is a 30 day period for a referendum. One to two years later the applicants may  
353 submit the final development plan. Mr. Heid said they can submit the final development  
354 plan immediately.

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356 Mr. O'Brien asked whether the BZC could approve the second step prior to the zoning  
357 being approved. Mr. Heid said he did not think they could. Ms. Rippel said the final  
358 development plan is not reviewed by the DCRPC or the trustees. She noted that many  
359 developers request an extension of the final development plan because they are not ready.

360

361 Mr. O'Brien said it may be a rare situation, but the township would want to be ready in  
362 case an applicant wants both parts to be approved quickly. Ms. Korleski asked whether  
363 the final development plan is subject to referendum. Ms. Rippel said it is not.

364

365 Mr. O'Brien said there could be a single lot with a \$500 million potential building, that  
366 applicant would have the wherewithal to do the zoning and the final at the same time.

367 Ms. Korleski said perhaps something could be worked out for that type of development  
368 and that may not proceed in a fast manner. Mr. O'Brien said they may want to go fast.

369

370 Mr. O'Brien said a disadvantage of the two-step process is that the trustees do not approve  
371 the final plan. Ms. Korleski said that each developer is not familiar with all zoning codes  
372 so the BZC has to educate them sometimes. Mr. O'Brien said the two-step process was  
373 made available to developers to assist them; it was to their advantage to not have to spend  
374 a lot of money doing the final engineering prior to initial approval.

375

376 Ms. Korleski said the one step applications are never ready. Mr. O'Brien said the BZC  
377 just needs to be more firm and reject those. Mr. Heid said the rejection would be higher  
378 on the one-step zonings and they would have a lot of money already tied up in the project.

379 Mr. O'Brien said they would be doing it at their own risk.

380

381 Mr. Spangler said the proposal just does not seem like a good idea at this time. Ms.  
382 Korleski said the one step zonings that are submitted now continue to be tabled over and  
383 over and she did not see the difference. Mr. Spangler asked why that mattered. Ms.  
384 Korleski said because they had to be tabled over and over.

385

386 Ms. Rippel added that the township has a fee for tabling applications.

387

388 Mr. Johnson said the concern he had about continuing to table applications is that the  
389 township gets into the discussions regarding the unique variances and deficiencies in the  
390 applications and debating them individually, creating an environment where it is easier to  
391 miss things. As items are tabled, different items are discussed and one has to remember  
392 everything that was discussed at the prior meetings.

393

394 Mr. Johnson said with the two-step process, all the details do not have to be ready at the  
395 beginning and they can be reviewed at a later date. He did not want to leave the one step  
396 in place just for future hypothetical situations. He asked if there were real tangible  
397 instances where a problem has been created in industrial or commercial zoning. Mr.  
398 O'Brien said the township's competition is cities, and they can have strong city managers  
399 who are able to achieve results quickly. New Albany is able to make quick decisions and  
400 the county has lost out on perhaps 6 developments that went to New Albany.

401

402 Mr. Heid said a good example of a one-step process that never would have worked was  
403 Evans Farm. Now, each phase of the development will be approved by the BZC.

404

405 Ms. Kaplan said the zoning offices do a good job of guiding applicants regarding of how  
406 they could do a quick two-step zoning.

407

408 Mr. Valentine agreed with Mr. O'Brien; if it is a deterrent the township would not want to  
409 do it. If it is better for zoning, then the township does want to.

410



**BERLIN TOWNSHIP ZONING COMMISSION (BZC)**

*OF DELAWARE COUNTY, OHIO*

**REGULAR MEETING**

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411 Mr. Johnson said there has been a fairly consistent voice from the community regarding  
412 what the residents of Berlin Township want and he did not see any indication that they  
413 want to be involved. Mr. O'Brien said the township needs a good tax base of commercial  
414 and industrial.

415

416 Marti Davis, 1950 Lackey Old State Road, asked about the two-step zoning process. She  
417 asked what happens if a developer obtains preliminary development and whether they  
418 have to wait. Ms. Korleski said the preliminary approval provides the zoning of the  
419 property and includes general information such as the number of houses, the general  
420 location of streets, and show that they meet the criteria for that zoning. The application is  
421 recommended by the BZC and sent to the trustees for final consideration, and there is a 30  
422 day referendum period. After that, the applicant comes in for final approval, at which  
423 time engineering, traffic studies, plat map with the location of buildings and landscaping  
424 is presented.

425

426 Mr. Heid said that during the referendum period, the applicant could be working on their  
427 final development plan for submittal.

428

429 Ms. Kaplan asked whether there are additional fees on the township fee schedule for  
430 numerous tabled hearings. Ms. Rippel said the fee schedule indicates a \$600 fee for each  
431 additional hearing. Mr. Heid said it also states that if the initial fee is paid, the application  
432 must follow the process. If the applicant needs to request a recess due to their own issues,  
433 then the fee could be charged. Otherwise, the initial fee gets them through the rezoning  
434 process.

435

436 Mr. O'Brien said his understanding is that fee is to pay for the cost of the meeting if there  
437 is nothing else on the agenda; that helps keep the applicant from tabling over and over.

438

439 Ms. Korleski made a motion to approve BZC case #17-002 regarding the one-step and  
440 two-step zoning, and to make a motion to approve the two-step process only and eliminate  
441 the one-step, and to request the clerk to send the recommendation of approval to the  
442 trustees.

443

444 Mr. O'Brien asked whether that was for planned residential only. Ms. Korleski said "no"  
445 that is across the board.

446

447 Mr. Heid said that Section 11.09 discusses one-step and two-step.

448

449 Ms. Korleski said that the B.) is to be eliminated, which is the one step process for a  
450 zoning application so that all applications must follow a two-step process for a rezoning  
451 application. Mr. Heid said that would be the PRD, the PID, and the PCD.

452

453 Mr. Johnson asked whether it was possible to only eliminate the one step from the PRD  
454 and leave it in the PCD and the PID. That would eliminate the concerns Mr. O'Brien had  
455 with the speed. Mr. Heid said it would still confuse the issue. Mr. O'Brien said that he  
456 was not saying the BZC should cave, but that it should be made available to them.

457

458 Ms. Korleski said the two-step plan seems to be even more important in the PCD and PID.

459

460 Ms. Korleski asked whether the age restricted zoning has the one-step and two-step  
461 process. Mr. Heid thought it was only in the mentioned three areas of the zoning  
462 resolution. Ms. Korleski said the PRD covers all residential zoning, there is the PID, and  
463 also PCD. Mr. Heid looked and said there is no reference to one-step zoning in the age  
464 restricted zoning district. Ms. Korleski said she thought the language was included in five  
465 places and did not know why that information was not provided. There was further  
466 discussion and review.

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467 Mr. Heid said B.) in the age restricted zoning district does include the one step process.

468

469 Ms. Korleski suggested eliminating the B.), which is the one-step process for a zoning  
470 application, so that all applications must follow the two-step process, and she reviewed  
471 the areas where this appeared in the zoning resolution as follows:

472 ♦ Planned Residential District (PRD): 11.10 B.)

473 ♦ Planned Age-Restricted Residential District (PARD): 14.09 A.), Option B

474 ♦ Planned Commercial and Office District (PCD): 17.07 B.)

475 ♦ Planned Industrial District: 21.07 B.)

476 Mr. O'Brien suggested the motion be withdrawn.

477

**RESOLUTION 2017.04.11.#C: APPROVE BZC #17-002**

478

479  
480 Ms. Korleski made a motion to approve BZC #17-002 to eliminate the B.)s in all zoning  
481 applications, which is the one-step process for zoning applications, so that all applications  
482 must follow a two-step process for a rezoning application, and that will be found in:

483 ♦ Planned Residential District (PRD): 11.10 B.)

484 ♦ Planned Age-Restricted Residential District (PARD): 14.09 A.), Option B

485 ♦ Planned Commercial and Office District (PCD): 17.07 B.)

486 ♦ Planned Industrial District: 21.07 B.)

487 All the B.)s, which is the one-step, to be eliminated and all zoning applications to follow a  
488 two-step process. The clerk is requested to send the recommendation for approval to the  
489 trustees. Mr. Valentine seconded the motion.

490 Vote: Korleski, yes; Valentine, yes; Kaplan, yes; O'Brien, no; Spangler, no. Motion  
491 carried.

492

**AGENDA ITEM: BZC #17-003 ZONING RESOLUTION MODIFICATIONS**

493

494  
495 *BZC 17-003 - change the wording in PRD Article 11.03 which currently reads, "Planned*  
496 *residential development zoning may be overlaid on FR-1, R-2, R-3 and R-4..." and by the*  
497 *way the first initiation would be putting TPUD in there... "pursuant to a zoning map*  
498 *amendment approved by the township. When used as an overlay, the density of the*  
499 *underlying zoning shall be used to determine the number of units allowed. All other*  
500 *standards shall be as defined in Article 11."*

501

**RESOLUTION 2017.04.11.#D: APPROVE BZC #17-003**

502

503  
504 Mr. O'Brien made a motion to approve and forward to the trustees for their approval BZC  
505 case 17-003 and direct the clerk to forward that. Mr. Spangler seconded the motion.

506 Vote: O'Brien, yes; Spangler, yes; Valentine, yes; Kaplan, yes; Korleski, yes. Motion  
507 carried.

508

**AGENDA ITEM: BZC #17-004 ZONING RESOLUTION MODIFICATIONS**

509

510  
511 *BZC 17-004 - Berlin Township no longer uses NCD (Neighborhood Commercial District)*  
512 *zoning, but it exists in some places such as in Old Cheshire. Section 12.03 Conditional*  
513 *Uses indicates: "Unless the conditional use permit specifically provides that the grant*  
514 *shall be permanent and shall run with the land, conditionally permitted uses shall be*  
515 *considered abandoned if said use or uses are not commenced within one year from the*  
516 *date of the Board of Appeals approval or if said use is discontinued for a period of excess*  
517 *of two years." 12.04 F.) indicates under Prohibited Uses, "Except as permitted as a*  
518 *conditional use, drive-in or drive-through facilities for restaurants, financial institutions,*

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519 *and the similar type businesses.” However, if it is prohibited it cannot also be except as*  
520 *permitted. F). should be deleted from the prohibited uses in NCD and insert it into*  
521 *Conditional Uses.*

522

523

**RESOLUTION 2017.04.11.#E: APPROVE BZC #17-004**

524

525 Mr. O’Brien made a motion to approve and send BZC #17-004 with a recommendation of  
526 approval. The clerk is directed to forward the recommendation to the trustees.

527 Ms. Kaplan seconded the motion.

528 Vote: O’Brien, yes; Kaplan, yes; Valentine, yes; Spangler, yes; Korleski, yes. Motion  
529 carried.

530

531 Ms. Korleski said that the next meeting will be on Tuesday 4/25/17 when the Boatman  
532 property rezoning to PID at 5727 S.R. 37 East for Savko Commerce Park will be heard.

533

534 There was no further business to come before the BZC. Motion to adjourn. Meeting  
535 adjourned.

536

**SYNOPSIS**

537 ➤ Resolution 2017.04.11.#A: Table and Continue BZC #16-012 to 5/9/17 at 7:00 P.M.

538 ➤ Resolution 2017.04.11.#B: Approve BZC #17-001

539 ➤ Resolution 2017.04.11.#C: Approve BZC #17-002

540 ➤ Resolution 2017.04.11.#D: Approve BZC #17-003

541 ➤ Resolution 2017.04.11.#E: Approve BZC #17-004

542

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544

\_\_\_\_\_  
Toni Korleski, Chairperson

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546

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Jerry Valentine, Vice-Chairperson

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\_\_\_\_\_  
Darcy Kaplan, Member

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Steve Spangler, Member

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\_\_\_\_\_  
Ken O’Brien, Member

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563

564

565

Attest: \_\_\_\_\_

566

Lisa F. Knapp, Berlin Township Zoning Clerk