

**BERLIN TOWNSHIP ZONING COMMISSION (BZC)**

*OF DELAWARE COUNTY, OHIO*

**REGULAR MEETING**

**TUESDAY, MARCH 13, 2018 7:00 PM**

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

3 **CALL TO ORDER**

4  
5 The meeting was called to order by 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 Mike Bardash, BZC 1<sup>st</sup> alternate member Martin Johnson.

11 Not present: BZC 2<sup>nd</sup> alternate member Steve Flaherty.

12 Also present: Zoning Secretary Cathy Rippel; Zoning Clerk Lisa Knapp; Zoning  
13 Inspector Chet Heid.

14  
15 Ms. Korleski read the adopted BZC policy statement for the meeting, as printed in the  
16 agenda.

17 **AGENDA ITEM: LEGAL NOTICE**

18 Ms. Knapp said this meeting was advertised as a regular meeting at the beginning of the  
19 year.

20 **AGENDA ITEM: APPROVAL OF MINUTES**

21 Mr. Bardash made a motion to approve the minutes from the 2/27/18 BZC meeting, as  
22 presented. Mr. Spangler seconded the motion.

23 Vote: Bardash, yes; Spangler, yes; Valentine, yes; Kaplan, yes; Korleski, yes. Motion  
24 carried, minutes approved.

25  
26 **AGENDA ITEM: INTRODUCTION OF MEETING ATTENDEES**

- 27 ♦ Joe Korleski, 3584 Greenville Drive, Lewis Center  
28 ♦ Barb Sherman, 1469 Africa Road  
29 ♦ Larry Harmon, 3931 Africa Road  
30 ♦ Connie Klema, attorney for the applicant  
31 ♦ John Oney, Architectural Alliance

32 **AGENDA ITEM: INFORMAL WITH JOHN OLNEY & CONNIE KLEMA PERTAINING TO A**  
33 **POTENTIAL REZONE AT HYATT'S ROAD & US 23 TO PLANNED COMMERCIAL DISTRICT**  
34

35 Mr. Oney said Ms. Klema is the attorney for the project. He has been here over the last  
36 few months with the All-Life Center and the property directly west of this. He is anxious  
37 to move forward with this project. The Hyatts Road realignment is progressing nicely  
38 and is scheduled to begin construction soon. The sanitary sewer is also progressing as  
39 planned.

40  
41 Mr. Oney said he is here to present a conceptual plan as the first step in redeveloping the  
42 property. He distributed a survey of the property as well as a proposed site plan and a  
43 conceptual drawing.

44  
45 Mr. Oney said the property is located at the northwest corner of Hyatts Road and Route  
46 23. There is existing Planned Industrial Development (PID) property to the north and the  
47 Speedway property is located to the south and across the street. Mr. Oney said there are  
48 two existing homes on the site. There are sanitary and electric easements that run  
49 through the property. He pointed out the Hyatts Road expansion easement.

50  
51 Mr. Oney said the property would be developed as a Planned Commercial District (PCD)  
52 with some retail/office or restaurant with possible drive-thru component on the ends.

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53 Mr. Oney said regarding the general development standards and the PCD development  
54 standards, the only divergence that would be requested for the property would be along  
55 Route 23 where a 6' mound, fence or hedge is required as a landscaping buffer. He did  
56 not think anybody in the future would have that so he would be requesting a divergence  
57 to not require that.

58  
59 Mr. Oney said anything else would meet or exceed all of the other PCD and general  
60 standards as well as the landscaping requirements. The zoning resolution allows up to  
61 80% coverage for pavement and building but this development would have only 61%  
62 coverage.

63  
64 Ms. Korleski asked how large the property was. She said the minimum size for PCD is  
65 10 acres. Mr. Oney said the property is only 2 acres so a divergence would be required  
66 for that.

67  
68 Mr. Oney said there are plans for regional sanitary sewers and easements for sanitary on  
69 the All-Life Center property behind the subject property as well as across their property  
70 to the north. There are easements that will go through their property to the south. He  
71 pointed out the pump station/lift station.

72  
73 Mr. Valentine asked whether the two existing homes would be removed. Ms. Klema said  
74 "yes." Mr. Spangler asked whether there would only be one entrance in and out off of  
75 Route 23. Mr. Heid said that was correct. Mr. Oney said there is an entrance off of  
76 Hyatts Road and currently there are no curb cuts onto Route 23. Traffic studies will be  
77 done in conjunction with ODOT and he would like to have a curb cut even if it is right-  
78 in/right-out, due to the backup of traffic.

79  
80 Mr. Oney said currently in the proposal a curb cut is shown directly across from  
81 Speedway. Ms. Korleski asked whether the road that leads to the two homes would be  
82 eliminated. Mr. Oney said he planned to vacate that road. Ms. Korleski asked whether  
83 there would just be one entrance off Route 23 and not Hyatts Road. Mr. Oney said there  
84 would be access points on both. Currently there is an access point on Hyatts Road and  
85 that would be vacated but there would still be an access point. He also hoped to have an  
86 access from Route 23 as well but that would be up to ODOT.

87  
88 Mr. Valentine asked whether Hyatts Road would still go across to Shanahan Road after  
89 the rerouting. Mr. Oney said it would be a realignment although he has yet to see the  
90 final drawings of Hyatts Road and the sanitary sewer. They would take some of the All  
91 Life Center's property to the south to widen the intersection at Route 23. He believed the  
92 traffic light would remain. It is a realignment to obtain more lanes to the south.

93  
94 Ms. Korleski asked about the property in Orange Township on the south side. Mr. Oney  
95 said that is owned by All Life. He said that property is overgrown and "weedy" and he is  
96 hoping to work with them to clean up that property.

97  
98 Ms. Korleski said a restaurant with a drive-thru is shown and she asked whether that was  
99 planned. Ms. Klema said "yes" but they do not have a particular restaurant at this time.  
100 Ms. Korleski asked whether the Hyatts Road entrance/exit would be able to handle the  
101 amount of traffic that such a restaurant typically has. Mr. Oney said he is not qualified to  
102 answer that but that traffic studies will be done when the preliminary plan is developed.  
103 He will be sitting down with ODOT about that soon. He added that he did not see it as a  
104 McDonalds or similar because they typically want a full acre and a standalone building. It  
105 may be something like a coffee shop.

106  
107 Ms. Klema said the property is actually a total of 3 acres; the northern part is 2 acres and  
108 the southern part is 1 acre.

109  
110 Mr. Oney said the parking is one car per 150 SF of building space. He is not sure what  
111 the uses will be but he planned for the maximum use possible. Ms. Korleski asked

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112 whether there would be offices there as opposed to retail. Mr. Oney said “yes, could be”  
113 and that it could be uses such as medical, dental, H&R Block, etc.

114

115 Mr. Oney said the area architecture has a timeless stone look with some stucco elements  
116 and he would incorporate that in the subject property as well. Ms. Korleski asked  
117 whether this development would rely upon sewer coming in. Ms. Klema said “yes” and  
118 that she has been in discussions with Mike Frommer at the Delaware County sewer  
119 department, who will be putting part of their sewer line through the property. She is  
120 waiting on the final plan to see where it will be on that southern corner, but the property  
121 will have sewer.

122 Mr. Oney said he has been told that the schedule for both the road realignment and  
123 sanitary sewer is spring 2019, when construction will be complete. It may be later but it  
124 is scheduled for 2019.

125

126 Mr. Valentine said he sees a retention pond on the property and he was concerned about  
127 the divergence for the required buffering. Mr. Oney said he has not studied that yet and  
128 was not sure where the pond would go but mounding could be provided. He pointed out  
129 the adjacent PID property, which would require buffering as well, but it is being used  
130 commercially. He did not think he needed to request a divergence to not build a 6’ mound  
131 there.

132

133 Ms. Korleski asked what the 2 acre property was currently zoned. Mr. Heid said he  
134 thought it was FR-1. Ms. Rippel said that was correct. Ms. Korleski said there is  
135 commercial and industrial all around the subject property.

136

137 Ms. Korleski said restaurants are included in the NAICS codes but the application does  
138 not identify the other ones. She asked whether they would just be called retail. Mr. Oney  
139 and Ms. Klema said she would identify those and bring a list. Ms. Korleski asked  
140 whether that is in the 7a section of the township’s comprehensive land use plan (CLUP).  
141 Mr. Heid said it was. Ms. Korleski said she thought it was all commercial and industrial.  
142 Mr. Heid said he thought it was just commercial.

143

144 Ms. Korleski verified that it was PCD. Mr. Heid added that the All Life Center was just  
145 rezoned to PCD. Ms. Korleski said that did not front on Route 23. Mr. Heid said that  
146 fronts on Hyatts Road but is still in 7a.

147

148 Mr. Spangler asked whether the exit off Hyatts Road is one lane in/one lane out. Mr.  
149 Oney said it is currently. The next step would be a traffic analysis and initial meetings  
150 with ODOT. Mr. Spangler said that typically, the county engineer and/or the township  
151 fire department require 3 lanes. Mr. Heid said the existing road is as wide as Hyatts  
152 Road, which is 2 lanes. They will vacate Old Hyatts Road when they start building this.  
153 Ms. Korleski said the proposal is retail and restaurant and 3 lanes would seem to be  
154 necessary for that. Mr. Spangler said the applicant should also do everything they can to  
155 obtain access off of Route 23.

156

157 Mr. Spangler said he assumed the entrance on Hyatts Road would allow left turns out,  
158 which would require 3 lanes. Mr. Oney said he would comply with ODOT’s  
159 requirements.

160

161 Ms. Korleski asked whether they were really planning on having as many stores as shown  
162 on the plan. Ms. Klema said those are the small stores but many times they will be  
163 combined.

164

165 Mr. Bardash said he would like to see what ODOT says, but he agreed that if there is not  
166 access on Route 23 that the Hyatts Road access will be essential and it must be as safe as  
167 possible.

168

169 Ms. Korleski asked what the timeframe for submission would be. Ms. Klema said items  
170 that are slowing her down include waiting for the sanitary sewer plan, the realignment of

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171 Hyatts Road, and having meetings with ODOT and other agencies. Mr. Oney said he  
172 would like to be ready to break ground by spring 2019 if possible. He said this is a great  
173 site and is the southern gateway to Berlin Township. It is a very important and attractive  
174 corner. As soon as the sanitary sewer and road improvements have been put in place, he  
175 would like to be in a position to move quickly on the development.

176  
177 Mr. Spangler asked whether the 300' required setback for food services would be met.  
178 Ms. Korleski said that is for residential property and there is no residential property in  
179 that area. Mr. Spangler said there is across Route 23. Ms. Klema said it is around 298'  
180 away. Ms. Korleski said a divergence may be required for that. Ms. Korleski asked Mr.  
181 Heid whether it makes any difference that it is across a five lane highway. Mr. Heid said  
182 he didn't think so, but that is not his decision.

183  
184 Mr. Heid asked what would happen if ODOT does not cooperate. There is an entrance to  
185 the church and the fireplace store and he asked whether the subject property would be  
186 able to use that entrance onto the property. Ms. Klema said if the access is required by  
187 ODOT, she would then not need to negotiate with that property owner to get an  
188 easement, which would be costly. The Hyatts Road right-of-way is still there and has not  
189 been vacated. Mr. Heid said she may wish to consider that there are many parking spots  
190 there and there may need to be an entrance there. Ms. Klema said that may need to be  
191 altered.

192  
193 Ms. Kaplan said she has calculated the size of the entire building as 14,400 SF. Mr.  
194 Oney said it was 13,412 SF. Ms. Kaplan said the schematic shows 10 different retail  
195 shops and they are very small. Mr. Oney said the smallest space available is 60' deep by  
196 20' wide and 1200 SF, and on the end the shops around 1500 SF. The schematic  
197 indicates the maximum number of uses possible.

198  
199 Ms. Kaplan said that there would not necessarily be 10 tenants. Mr. Oney said that was  
200 true and that there are upfront costs to set the separate boxes up, the utilities, the meters,  
201 etc. Not knowing that at this point, it all needs to be set up at the start.

202  
203 Ms. Korleski asked whether the restaurant would be on the north or south end of the  
204 complex. Ms. Klema said she is not sure yet but the drive-through on the south end is  
205 actually not at the end but behind, and the drive-through on the north end is actually on  
206 the end.

207  
208 Ms. Korleski read: "Food services and drinking places provided that there shall be a  
209 minimum of 300' of setback from the property line of any food or drink service place and  
210 the nearest residential property line or residential zoning district."

211  
212 Ms. Korleski asked whether the 298' from the residence was from the north end of the  
213 property or the south end. Ms. Klema said that was a good point, and that a divergence  
214 may only be required for the north side of the project.

215  
216 Larry Harmon, 3931 Africa Road, asked whether when the application is approved, is just  
217 the strip center approved or would the specific shops be approved? There could be a  
218 dramatic different in the types of traffic generated from each use. For example, a pizza  
219 shop or license agency could have hundreds of businesses while an H&R Block would  
220 have relatively little.

221  
222 Ms. Korleski said during the preliminary zoning consideration, the township approves or  
223 disapproves the zoning and their plat map, but not until the final development plan does  
224 the township know exactly what the applicant will have in the complex.

225  
226 Mr. Johnson said the zoning definition describes the allowable types of businesses in a  
227 certain district. As long as the businesses conform to what the zoning allows, the BZC  
228 would not have any additional input as to who would lease out the buildings.

229

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230 Mr. Heid said that is not exactly correct. An applicant can leave out certain uses from  
231 their application but if later they wanted to have those uses in the plan, they would need  
232 to come back before the BZC. Ms. Korleski said the NAICS codes need to be designated  
233 when the property is zoned; they cannot just include the entire list of codes.

234  
235 Mr. Johnson said he was saying that once that approval is made, as long as the businesses  
236 conform to that list, there is no need to come back to the township for approval. Mr.  
237 Oney said the applicant would not be requesting a divergence for parking for each  
238 specific use. He shows 87 space now. There are different parking ratios depending on the  
239 use but all parking would meet the requirements.

240  
241 Mr. Harmon said Route 23 already has a lot of traffic and the property may be difficult to  
242 ingress/egress.

243  
244 Mr. Oney said he looks forward to returning with the preliminary plan.

245

246 **AGENDA ITEM: CONTINUE DISCUSSIONS ON CHANGES TO THE BERLIN**  
247 **TOWNSHIP COMPREHENSIVE LAND USE PLAN, 2010.**

248

249 **Sub-Area 7b**

250 Land area: 647 acres,

251 Potential development acreage: 457 acres

252 Current estimated population: 110 (41 housing units)

253

254 The population needs to be changed.

255

256 Current Conditions: A small industrial area exists on the south side of Peachblow Road.  
257 This area is bounded by commercial zoning on the west, a mix of industrial and low  
258 density Farm Residential on the north, the railroad tracks on the east and Shanahan Road  
259 on the south.

260

261 Ms. Korleski said there is single family development to the west.

262

263 Recommendations: Sub-Area 7b

264 7.15 Retain low-density residential zoning along the north side of Shanahan Road to a  
265 line parallel to and approximately 700 feet north of Shanahan Road.

266

267 It was agreed that is not low density due to Evans Farm and should be changed. Ms.  
268 Korleski said it should be single-family the same as 1.85, the same as the southern one.  
269 Mr. Spangler said it should all be the same.

270

271 7.16 North of the Shanahan Road residential frontage, light industrial park-type uses are  
272 recommended as shown on the Comprehensive Land Use Plan.

273

274 Mr. Valentine said he did not know how that would pass as FR-1 based on the density  
275 which is 6 units per acre.

276

277 This needs to be changed to planned residential due to Evans Farm, after discussions with  
278 assistant county prosecutor Mark Fowler and Delaware County Regional Planning  
279 Commission executive director Scott Sanders.

280

281 Ms. Korleski said Ms. Knapp did a good job with the minutes.

282

283 The land is flat, has rail access, public water, U.S. 23 frontage and good drainage if many  
284 parcels are planned together to use the swale that empties east to west under Shanahan  
285 Road. A second access to Shanahan Road is desired, either at North Road or west of the  
286 school entrance. Both accesses would be ideal.

287

288 Ms. Korleski said the entire wording in this section needs to be changed.

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289 7.17 Residential development along the south Side of Peachblow Road is recommended  
290 for a density of 1.85 units per net developable acre.

291

292 Ms. Kaplan said this recommends a density but not a zoning type and she asked if that  
293 was typical. Ms. Korleski said the density has already been set and the property has  
294 already been zoned.

295

296 7.18 Improve Peachblow Road pursuant to recommendations from the County Engineer.

297

298 Mr. Bardash said that should stay.

299

300 Mr. Valentine suggested adding something that pertains to how Evans Farm will be  
301 developed because it is in that area. That development is an exception to the rest of  
302 Berlin Township's zoning and it needs to be addressed here. Mr. Heid cautioned against  
303 putting language in there that could set a precedent for other developments. Mr.  
304 Valentine suggested language that acknowledges that.

305

306 Mr. Johnson asked whether the North Farms developers had also mentioned the  
307 properties next to and across from Shanahan middle school. Mr. Valentine said that is the  
308 "aging development." Ms. Korleski said that is Don Kenney's property and it is a similar  
309 request to Evans Farm.

310

311 Mr. Johnson said he wondered what they planned to do and whether it would be a similar  
312 request for accommodating a description like Evans Farm for all of that. He said that  
313 change has not been approved yet. Mr. Heid said it may be dangerous to put Evans Farm  
314 anywhere. Mr. Johnson said Mr. Valentine seemed to be stating that there should be a  
315 description to accommodate the changes that have already been accommodated before.  
316 Mr. Valentine said that was correct and that Evans Farm does not need to be mentioned at  
317 all.

318

319 Ms. Korleski asked whether the industrial would be changed to planned residential. The  
320 cross-hatched area is planned commercial or planned industrial and that is the area they  
321 want to change.

322

323 Mr. Heid said PRD can be stated and it could be TPUD (Transitional Planned Unit  
324 Development). Mr. Valentine said it would not be industrial. Ms. Korleski said she  
325 would like to put it as FR-1 because then they would need to apply for a PRD with R-2,  
326 R-3, R-4, etc. Mr. Heid asked whether they wanted to make it a PRD. Mr. Valentine  
327 said because they know the density that will exist there already, they would be bypassing  
328 that extra step.

329

330 Ms. Korleski said that when applicants come in for a change in zoning, they come in with  
331 a PRD overlay. They could request zoning for R-2, R-3 or R-4 so they do not need to ask  
332 for an overlay, so it doesn't need to be a PRD. There was additional discussion.

333 Ms. Korleski said Evans Farm asked for that overlay for their high density property. Mr.  
334 Heid said that his understanding was that everything that is residential except for FR-1 is  
335 a PRD. Ms. Korleski said that was not correct. She said a developer cannot request just  
336 a PRD by itself. There was a discussion. Ms. Korleski said the issue should be  
337 discussed with Mr. Sanders.

338

339 Mr. Spangler said he would like to see 1.85 units/acre. Ms. Korleski said that could be  
340 designated. There was discussion.

341

342 **Sub-Area 7c**

343 Land area: 370.53 acres (880 annexed by the City of Delaware)

344

345 Ms. Korleski said the amount of property annexed by the City of Delaware needs to be  
346 verified.

347

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348 Potential development acreage: 274 acres

349 Current estimated population: 51 (19 housing units)

350

351 Mr. Heid said the township may want to have transitional zoning and then residential  
352 because it has no sewer and they cannot develop it. A subdivision would not be desirable  
353 right off of State Route 37 because that is eliminated from commercial development. If it  
354 was made PRD and the possibility was eliminated that nobody could develop anything  
355 there until the sewer is installed, then the development is controlled.

356

357 Ms. Korleski said TPUD needs to be addressed. A small area of TPUD exists in Berlin  
358 Township.

359

360 Current Conditions: Peachblow Road on the south to Cheshire Road on the north, from  
361 the township line on the west to the Conrail tracks. The township area north of  
362 Peachblow is all zoned FR-1, single-family one acre minimum lot size.

363

364 Ms. Korleski said that area has mostly been annexed except for a small part which is  
365 Evans Farm. There was discussion. It was agreed this section needs to be modified to  
366 reflect that.

367

368 Recommendations: Sub-Area 7c

369 7.19 Develop areas that remain in the township as single-family residential. If centralized  
370 water and sewer are available, then densities may be allowed up to 1.85 units per acre. If  
371 centralized water and sewer are not available, then lot sizes should be one unit per acre or  
372 larger in accordance with Health District regulations for on-lot septic systems.

373

374 Ms. Korleski said this should be deleted or indicated that it has been annexed. The one  
375 part remaining is part of the Evans Farm zoning.

376

377 Ms. Korleski asked whether the BZC members had seen her email regarding ambiguity in  
378 the language regarding the extensions of zoning. The BZC is supposed to hear extensions  
379 of zoning for preliminary and final development plan. However, there are several  
380 discrepancies in the zoning resolution that indicate those are to go to the trustees. The  
381 township has obtained a legal opinion from the prosecutor's office that state all  
382 extensions go to the BZC.

383

384 Ms. Korleski said on page 11-7 of the zoning resolution, Section 11.09 B). Preliminary  
385 Plan Development Period, states in part:

386

387 *"If the final development plan has not been filed within this one (1) year period,*  
388 *then the preliminary development plan approval shall expire unless the Trustees*  
389 *have approved an extension of this time limit."*

390

391 Ms. Korleski said on page 11-16 of the zoning resolution 11.13 C.) Extension of time  
392 states in part:

393

394 *"Extension of Time: An extension of the time limit for either filing the required*  
395 *subdivision plat, recording the approved subdivision plat, or increasing the*  
396 *approval period for either a preliminary or final Development Plan may be*  
397 *granted by the Zoning Commission at any public meeting provided the*  
398 *Commission finds that such an extension is not in conflict with the public*  
399 *interest..."*

400

401 Ms. Korleski said that means that the applicant could choose whether they want to go to  
402 trustees or to the BZC. The language is not clear so the BZC will be considering that  
403 soon.

404

405 The next scheduled meeting is Tuesday 3/27/18 at 7:00 p.m.

406

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

409

410

411

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

412

413

414

415

\_\_\_\_\_  
Jerry Valentine, Vice-Chairperson

416

417

418

419

\_\_\_\_\_  
Darcy Kaplan, member

420

421

422

423

\_\_\_\_\_  
Steve Spangler, member

424

425

426

427

\_\_\_\_\_  
Mike Bardash, member

428

429

430

431

\_\_\_\_\_  
Martin Johnson, 1<sup>st</sup> alternate member

432

433

434

435

\_\_\_\_\_  
Steve Flaherty, 2<sup>nd</sup> alternate member

436

437

438

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

439

Lisa F. Knapp, Berlin Township Zoning Clerk