

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

REGULAR MEETING

TUESDAY, SEPTEMBER 11, 2018 7:00 PM

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

3
4 **CALL TO ORDER**

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

7
8 Ms. Korleski introduced Ray Armstrong, the new BZC second alternate.

9
10 Mr. Armstrong led meeting attendees in the pledge of allegiance.

11
12 BZC members present: Chairman Toni Korleski, Vice-Chairman Jerry Valentine, Martin
13 Johnson, BZC 1st alternate member Steve Flaherty (seated), BZC 2nd alternate Ray
14 Armstrong (seated).

15 Also present: Zoning Secretary Cathy Rippel; Zoning Inspector David Loveless; Zoning
16 Clerk Lisa Knapp

17 Not Present: BZC members Darcy Kaplan, Mike Bardash

18
19 Ms. Korleski dispensed with reading the adopted BZC policy statement for the meeting
20 due to only one meeting attendee at the time.

21 **AGENDA ITEM: LEGAL NOTICE**

22 Ms. Knapp said this meeting was advertised at the beginning of the year along with the
23 other regular BZC meetings.

24 **AGENDA ITEM: APPROVAL OF MINUTES**

25 Mr. Johnson made a motion to approve the minutes from the 8/28/18 BZC meeting, as
26 presented. Mr. Valentine seconded the motion.

27 Vote: Johnson, yes; Valentine, yes; Flaherty, yes; Armstrong, abstain; Korleski, yes.

28 Motion carried, minutes approved.

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

- 30 ♦ Todd Faris, with Faris Planning and Design.
31 ♦ Chris Mabry, 4195 Mainsail Drive, Lewis Center 43035 (arrived after meeting
32 began)

33 **AGENDA ITEM: BZC 16-009 EXTENSION OF PRELIMINARY PLAN**

34 *BZC 16-009 extension request for a Final Development that expires October 25, 2018,*
35 *BZC 16-009, Preliminary Rezone, Metro Development LLC, 470 Olde Worthington Rd,*
36 *Suite 100, Westerville, OH 43082. The applicant has filed a final development plan*
37 *known as – Berlin Village/Eaststone Crossing 54.183 ± acres, Parcels*
38 *#41831001037000; 41831001043000; and 41831001038000;*
39

40 Ms. Korleski asked why the applicant was requesting an extension

41
42 Todd Faris, with Faris Planning and Design, 243 N. Fifth Street, Columbus, Ohio 43215,
43 presented the request. Mr. Faris said there are numerous coordination issues with the
44 county regarding the extension of Piatt Road, and there are engineering issues remaining.
45 There are not many sewer issues remaining but there are still issues on the south side as
46 well. Those issues are tied together and all those loose ends need to be tied up prior to
47 final engineering.

48
49 Ms. Korleski noted that she saw digging on the property. Mr. Faris said those ponds are
50 in response to what the county is doing for water quality and the roadway. However, that
51 is not part of this plan.

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52 Ms. Korleski asked how long of an extension was being requested. Mr. Faris requested
53 two years because this is not a small project and there are several situations that need to
54 be dealt with. Ms. Korleski said if the roads are started some progress may be made.

55
56 Mr. Armstrong said two years are probably appropriate for that and the road issues. He
57 has been working on another project with the county engineer on the other side and that
58 would be a wise choice.

59
60 Mr. Johnson asked whether a preliminary plan has been submitted. Mr. Faris said the
61 preliminary plan has been submitted but not the final. Mr. Johnson said the agenda was
62 confusing because it indicated it was an extension of the final plan. Ms. Rippel said that
63 was a mistake in the agenda.

64
65 Ms. Korleski said it is an extension of the preliminary plan; he had one year to comply
66 with the engineering and the final, but he has not made that deadline.

67
68 Mr. Flaherty said he did not object to the request. He asked whether East Stone had two
69 parts, and whether this is for the eastern part. Mr. Faris said that was correct. Mr.
70 Flaherty said originally there was one at Gregory and Cheshire Roads, and this was an
71 extension of that. Ms. Korleski said the one at Gregory and Cheshire Roads was
72 Westfield, and that is dead now. Mr. Faris said that was correct.

73
74 Ms. Korleski clarified that the development will now be known as Berlin Village, instead
75 of East Stone Crossing. Mr. Faris said that is correct.

76
77 **RESOLUTION 2018.09.11 .#A: APPROVE 2 YEAR EXTENSION FOR 16-009 BERLIN**
78 **MEADOWS**

79 Ms. Korleski made a motion to grant a two year extension of BZC 16-009, now known as
80 Berlin Village, to 10/25/20.

81
82 Mr. Johnson asked whether an update could be requested in one year. Ms. Korleski said
83 that is not usually done, and she asked for the reason. Mr. Johnson said that was done
84 with Evans Farm and he found it beneficial. Given that Mr. Faris is dealing with several
85 other entities including the county, sewer etc., an update in one year would show whether
86 the project is on track. There was additional discussion.

87
88 The motion was amended as follows:

89
90 Ms. Korleski made a motion to grant a two year extension of BZC 16-009, now known as
91 Berlin Village, to 10/25/20, with an informal update to be provided to the BZC by
92 10/25/19.

93
94 Mr. Johnson seconded the motion as amended.
95 Vote: Korleski, yes; Johnson, yes; Flaherty, yes; Valentine, yes; Armstrong, yes. Motion
96 carried.

97 **AGENDA ITEM: CONTINUE DISCUSSION WITH ZONING COMMISSION ON COMMUNITY**
98 **SURVEY FOR POSSIBLE LAND COMP CHANGES.**

99 Ms. Korleski said Mr. Johnson has provided a revised survey and it would be discussed at
100 this meeting. She said it seemed too long to her.

101
102 Mr. Johnson said per the last discussions, he broke the survey into the sections as
103 requested. One of the items was to help bring some of the background, the roles, and the
104 purpose of the BZC and the Comprehensive Land Use Plan (CLUP), and the purpose of
105 the survey. This would provide information to the people taking the survey.

106 Mr. Johnson said some of the qualifying statements are probably a little long, but he
107 wanted to bring it to the group first. Some was copied from the information and

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108 descriptions on the township website. He also researched surveys from other areas who
109 have done similar surveys. Many of those surveys also included background information.

110

111 Mr. Johnson said discussed was also breaking it into multiple sections, including
112 gathering basic demographic information about the respondents including how long they
113 have lived in Berlin Township, and also their ages. Also discussed was breaking the
114 questions down into three categories. One would be relative to the community's
115 feedback related to certain areas of commercial development activity versus residential
116 versus other general questions.

117

118 Mr. Johnson made his best attempt to interpret what was asked. He also got away from
119 the "strongly agrees" or "strongly disagree" responses but instead attempted to help
120 assign their perception of the priority of those particular things.

121

122 Mr. Valentine said one of the major functions the BZC performs is creating the zoning
123 resolution. Although the information mentioned that the BZC examines applications, the
124 Roles and Purpose section did not mention that it creates the zoning resolution, and the
125 information from this survey will assist the BZC in that.

126

127 Mr. Johnson asked whether zoning regulations are ultimately voted on by the township.
128 Mr. Valentine said the BZC writes the zoning resolution and the trustees approve it. Ms.
129 Rippel noted it is also reviewed by the Delaware County Regional Planning Commission.
130 Mr. Valentine said the BZC makes many changes to it and many of those changes are
131 based upon the CLUP survey.

132

133 Mr. Johnson said information can be included that clarifies the BZC's role in
134 overseeing/authoring/updating the zoning regulations.

135

136 Ms. Korleski said those could be simplified and combined.

137

138 Ms. Korleski said the demographics section was good.

139

140 Ms. Korleski asked whether four questions were necessary to address commercial. She
141 asked whether it could indicate that commercial would include retail, restaurants, office,
142 professional and industrial and whether that could be lumped together.

143

144 Mr. Johnson said the point had been made that it would be helpful to understand what
145 preference the community would have regarding whether or not it gets loaded up with
146 office space versus retail versus industrial. Thus, he separated those out in order to help
147 gauge what kind of commercial development occurs along that corridor.

148

149 Ms. Korleski was concerned about leading questions. For example, if a person was asked
150 where industrial development should be located, they would probably respond that they
151 do not want industrial development at all around here.

152

153 Mr. Flaherty said having this is exactly what the township needs for the county to do the
154 corridor study, which will break out retail, restaurant, office, professional, industrial, etc.
155 He thought breaking it up this way is what the BZC wants, in order to find out what kind
156 of commercial the township wants. This can be used to provide feedback to Delaware
157 County when they are marketing properties to prospective users.

158 Ms. Korleski said this survey is being addressed to the general public, while the county is
159 looking for vendors to come in. Mr. Flaherty said the county wanted to know what the
160 residents of each township want to see on that corridor. For the marketable properties,
161 this can help guide which use should be used where. For example, if Berlin Township
162 does not want industry, it could be located in a different township where it is wanted.

163

164 Mr. Flaherty thought it would be beneficial to give examples of the types of uses in order
165 to clarify to survey takers what types of uses are being considered. For example, planned
166 commercial could include office professionals, logistics and data centers, etc. Mr.

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167 Flaherty said regarding industry, it could include boutique manufacturers, but survey
168 takers may think they are referring to uses such as steel factories. Retail could include
169 restaurants and other uses.
170
171 Mr. Flaherty really liked the concept of the scale, with highest priority, neutral, low
172 priority, or that they do not want the use at all. However, the choice that they do not want
173 something at all perhaps should be removed because it is nearly the same thing. Ms.
174 Korleski said it was a different answer.
175
176 Mr. Flaherty said a 10-point scale can be used. The extremists will vote for 1's and 10's
177 and those can be tossed out, while the 7-9's and 2-3's are the qualifiers.
178
179 Ms. Rippel asked what a big box store would fall under. The BZC answered that would
180 be retail.
181
182 Mr. Flaherty said retail could be broken up more such as into small retail, local-owned
183 businesses, etc.
184
185 Mr. Flaherty said it will be difficult with the way ODOT wants S.R. 23 to remain a
186 corridor. Typically such users want to have separate entrances instead of feeding off
187 back roads so they are easily accessible.
188
189 Ms. Korleski asked about the residential questions. She asked whether they would be
190 rated 1-10.
191
192 Mr. Johnson said the notes he took indicated that it was not about strongly agree or
193 disagree, but that, when a balance needs to be made, what direction would they prefer the
194 township go? Ms. Korleski noted that the township's R-2, R-3 and R-4 overlays do
195 provide some flexibility in lot size, etc.
196
197 Mr. Johnson said he has observed that developers want to come in at a certain
198 development level because that gets them down to the smaller lot sizes that they want.
199 They stay away from the other districts because although they can comply, they will be
200 required to request variances. Ms. Korleski said the locations for the R-1, R-2 and R-3
201 areas are designated already so developers cannot choose just anywhere they want those
202 layers. Mr. Johnson said that his understanding is that they are not approved anywhere.
203 Mr. Valentine said the BZC has requested several times that, due to their lot size, the
204 developer change from one "R" zoning district to another.
205
206 Mr. Armstrong noted that there is nothing the BZC can do about them asking for it. Ms.
207 Korleski said the BZC can then require a divergence. She said she didn't think the BZC
208 had requested changes like that in the past except for Evans Farm.
209
210 Ms. Korleski asked whether The Pines had requested R-2. Ms. Rippel said they had too
211 many houses. Ms. Korleski said it was an FR-1 district per the map and it wasn't
212 designated as R-2, R-3 or R-4. Ms. Rippel said the CLUP showed that at the time.
213
214 Mr. Flaherty said he would like to know the priorities of the residents when the BZC is
215 faced with such requests. For example, should they approve the request but require
216 features such as walking paths? Another example is if the BZC determines that lot size is
217 the most important feature to residents, they could allow flexibility in other areas but stay
218 firm on the lot sizes.
219
220 Mr. Flaherty said it may be more relevant if they were ranked so the BZC knows
221 everything that is important to residents. He suggested having 4-5 priorities such as lot
222 size, density, buffering, and green space/walking paths/trails.
223 Mr. Johnson said there were many discussions regarding the actual type of green space
224 including whether it would be a grass field that is left alone, versus a soccer field or
225 playground.

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226 Ms. Korleski thought that walking paths and trails are the same as the more active space
227 parks which included parks, playgrounds and ballfields. Mr. Flaherty said the walking
228 paths and trails are more a use of green space and he felt should be separate. Mr. Johnson
229 agreed. Ms. Korleski said passive space would not have walking paths.

230

231 Mr. Johnson suggested removing use/access of green space and replace it with active
232 green space and passive green space.

233

234 Ms. Rippel was concerned about the survey being too long. Mr. Johnson said there
235 should be 12-15 questions at the most.

236

237 Mr. Valentine asked about including a question about lighting in residential areas. Ms.
238 Rippel said residential developments are not allowed to have lighting.

239

240 Mr. Loveless said regarding screening/visibility from road may be confusing as it seems
241 to imply that screening is not necessary for homes that are further back in a development
242 and not on a main road. Mr. Flaherty suggested stating "buffering to existing properties".

243

244 Chris Mabry, 4195 Mainsail Drive, said he has been paying attention to zoning since he
245 moved to Berlin Township two years ago, but this is his first time attending a BZC
246 meeting. He said there is some concern by residents about the condo community. Ms.
247 Korleski noted that will be heard at the next BZC meeting.

248

249 Mr. Johnson said there had been discussions regarding whether people wanted larger lots
250 that would bring the houses closer to the road, or smaller lots with homes pushed to the
251 back so they are not seen from the main road.

252

253 Mr. Loveless said he preferred larger lots and less density, which means fewer people.
254 Mr. Johnson said there were discussions regarding the importance of buffering etc. Ms.
255 Rippel said one of the main concerns of residents seems to be buffering new
256 developments so they cannot be seen from the main roads, including Berlin Manor.
257 Rolling hills with landscaping is very desirable.

258

259 Mr. Loveless said that each person has their own idea of what they would not like to look
260 at so there may be different standards of screening. Mr. Johnson suggested
261 "buffering/screening of adjacent properties." Mr. Flaherty suggested adding "existing
262 properties/."

263

264 Mr. Mabry said the average person will not know what is meant by "screening." There
265 was discussion about what terminology to use. Mr. Loveless suggested "obstructing
266 negative views with vegetation." Mr. Armstrong suggested "visual screening from
267 adjacent uses."

268

269 Mr. Mabry was concerned that too much info in the beginning would lead people to not
270 take the survey at all.

271

272 Ms. Korleski suggested making a summary statement of the township's weaknesses and
273 strengths as a whole, but not asking opinions because the BZC wants to concentrate on
274 the goals.

275

276 Mr. Loveless said perhaps a direct question could be asked such as, "how do you want
277 your township to grow." That may help it make this their own survey and they may be
278 more likely to feel as though their voice will be heard.

279

280 Mr. Flaherty said the survey could be advertised on Facebook for an inexpensive rate.

281 Mr. Johnson suggested also ranking commercial uses in order to consolidate them, such
282 as "which of these types of commercial would you consider highest to lowest?" such as
283 retail, office professional, restaurant, etc. He suggested ranking them in order by priority.

284

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285 Mr. Armstrong suggested putting it in the newsletter. Ms. Rippel was not certain whether
286 a newsletter would be issued soon as she had no articles. Ms. Korleski said it would need
287 to be approved by the trustees first.

288

289 Mr. Flaherty suggested putting the survey on Nextdoor and Facebook. Ms. Korleski said
290 trustee approval would still be required for that. Mr. Johnson said the BZC had discussed
291 coming to a consensus among the group regarding what the survey should include and
292 then taking that recommendation to the trustees. Mr. Armstrong was confident the
293 trustees would approve the request.

294

295 Mr. Flaherty said the township's Facebook page was deactivated. He has now brought it
296 back, but no comments are allowed by the public. He said the trustees would have to
297 approve the survey questions and also the Survey Monkey fee. He said it would not be
298 effective to just put it out there, and that it would be necessary to advertise it somehow.

299

300 Ms. Rippel asked how it would be ensured that only Berlin Township residents take the
301 survey. Mr. Johnson said the BZC had discussed having survey takers input their
302 address, but that idea has mostly been scrapped. He said it would be a struggle to get
303 anybody to take the survey.

304

305 Mr. Loveless suggested adding a question that asks in what township the survey taker
306 lives. Mr. Johnson said any survey taker who wishes to influence the survey could
307 falsely claim they are a resident. In order to use that as a hard qualifier would be to ask
308 for the street address. Mr. Mabry asked who would check all those addresses, and Ms.
309 Rippel responded it would probably be her.

310

311 Mr. Johnson said the survey could mandate a street address if necessary. Mr. Flaherty
312 said in all surveys he has ever done, he has always qualified them to ensure he is getting
313 the audience he wants.

314

315 Ms. Knapp said many respondents may not even know whether they live in a township,
316 let alone the name of the township they live in. Mr. Flaherty agreed. Mr. Johnson said a
317 list of townships could be provided in the survey for respondents to select from.

318

319 Mr. Flaherty said for the commercial section, they will do a simple one question with a
320 ranking, for residential, five questions will be ranked and will include lot size/density,
321 visual separation of adjoining properties, active/passive space and walking paths and
322 trails. The question regarding whether residents prefer larger lots or smaller lots with
323 more green space may be answered by the five questions. Mr. Armstrong said he thought
324 that would be answered with the lot size question. Mr. Flaherty asked whether that
325 concept needed to be further defined.

326

327 Mr. Armstrong said he thought there would be many responses regarding active and
328 passive open space because there is a real division of opinions regarding that. Mr.
329 Flaherty said he agreed and that may be the drill in point. However, it should be noted
330 that for residents who want parks and playgrounds, Berlin Township does not have a
331 parks department to take care of it and maintain them. Mr. Armstrong noted that 1/3 of
332 Berlin Township is a state park.

333

334 Mr. Flaherty asked whether, regarding the general questions, should there be a scale or
335 should the items be ranked? The items are commercial/industrial tax base, rural feel, and
336 multi-family retirement condos. It was agreed to use a scale of 1-10 to rank these items.

337

338 Mr. Flaherty noted there are 9 questions and he asked whether any more questions should
339 be added. Ms. Korleski said she thought that would give the township what it wanted to
340 know. Mr. Flaherty said the residents may not understand why commercial/industrial
341 development is so important but at least the township will be able to gauge the residents'
342 feelings on that.

343

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344 Mr. Flaherty said he changed the question regarding “more rural feel” to “rural feel.”

345

346 Ms. Korleski read item 5 on the goals, “To encourage commercial and light industrial
347 development and planned districts to broaden the jobs and tax base and to prevent taxes
348 from rising faster than the growth in the township tax base.” She said some of that
349 description could be included in the general area, where the question, “How strongly do
350 you agree with a plan to increase the commercial and industrial tax base?” is asked. She
351 wanted to bring it to the attention of the residents that commercial development will
352 prevent taxes from rising faster.

353

354 Mr. Johnson suggested taking out the question regarding multi-family/retirement/condo
355 etc. development. Mr. Flaherty agreed. Ms. Korleski said many are not aware that
356 condos can save taxpayer money because the roads are private and not maintained by the
357 township. There was additional discussion.

358

359 Mr. Flaherty said multi-family and condos should be two different questions because they
360 are different. Mr. Johnson suggested removing multi-family and instead have
361 apartments/condos and retirement/empty nester communities. Ms. Korleski said all of
362 those go into a TPUD (Transitional Planned Unit Development).

363

364 Mr. Mabry asked what happens to retirement condos in 30 years and who will assume
365 their place? Mr. Flaherty said the same kind of people who buy them now. However,
366 that is not for the BZC to dictate and it is market-dependent.

367 Mr. Mabry asked what the plan was. The question “How strongly do I agree with the
368 plan to maintain a rural feel within the township?” indicates there is a plan for that. Mr.
369 Mabry suggested a question such as, “How desirable would it be to retain a rural feel, or
370 to have multi-family condos in the township?”

371

372 Ms. Rippel asked how many residents really know the township has a comprehensive
373 land use plan. Mr. Johnson said very few do.

374

375 Mr. Flaherty suggested indicating that the township has a plan to increase the commercial
376 and industrial tax base within the township and then ask the residents whether they agree
377 or disagree with that on a 10 point scale.

378

379 Mr. Johnson suggested asking what the level of support would be for a planned increase
380 in commercial development.

381

382 Mr. Flaherty said for example, the following could be asked:

383 • Do you agree with the following initiatives? Agree or disagree on a scale of 1-10.

384

○ We have a plan to increase commercial and industrial tax base within the township.

385

○ We have a plan to retain a rural feel within the township.

386

○ We have a plan to include multi-family/condos.

387

○ We have a plan to include retirement/empty-nester communities.

388

389 Mr. Flaherty said this would indicate that there is a plan and then find out whether the
390 residents support it.

391

392 Mr. Flaherty said the survey could be mentioned in the newsletter as a heads-up so
393 residents would be looking for it.

394

395 Mr. Johnson did not think there would be a cost for the Survey Monkey unless graphics
396 and images were added. There could be some fee for the analytics.

397

398 There was a discussion regarding sending the survey to the trustees for approval. Mr.
399 Armstrong said that if the survey is free, although the trustees would approve the survey,
they would not need to approve the cost.

400

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401 Mr. Flaherty said Mr. Johnson will update the survey and provide it to the trustees at their
402 next meeting, and that will be reviewed and finalized at the next BZC meeting. Mr.
403 Armstrong asked that it be sent to the fiscal officer as well.

404 **AGENDA ITEM: DISCUSSION ON ETHICS AND CERTIFIED PUBLIC RECORDS TRAINING**

405 Ms. Korleski said the trustees did not approve payment for BZC members to attend the
406 Ethics and Certified Public Records Training. Ms. Rippel said they authorized Mr.
407 Loveless to attend on behalf of everyone. Mr. Valentine asked whether they were aware
408 there are multiple sessions that day. Ms. Rippel was not sure. There is no cost to attend
409 but the BZC will not be paid by the township.

410 **AGENDA ITEM: ANY OTHER BUSINESS**

411 Mr. Loveless reported that everything is going well.

412
413 Ms. Korleski said the next BZC meeting will be on 9/25/18 at 7:00 p.m., and Berlin
414 Meadows will be heard that evening. Ms. Rippel said the new books should be ready
415 within the next day or two.

416
417 There was no further business to come before the Commission. Motion to adjourn.
418 Meeting adjourned.

419
420
421 _____
422 Toni Korleski, Chairperson

423
424
425 _____
426 Jerry Valentine, Vice-Chairperson

427
428
429 _____
430 Darcy Kaplan, member

431
432
433 _____
434 Mike Bardash, member

435
436
437 _____
438 Martin Johnson

439
440
441 _____
442 Steve Flaherty, 1st alternate member

443
444
445 _____
446 Ray Armstrong, 2nd alternate member

447
448
449
450 Attest: _____
451 Lisa F. Knapp, Berlin Township Zoning Clerk