

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

REGULAR MEETING

TUESDAY, NOVEMBER 13, 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 Mr. Johnson led meeting attendees in the pledge of allegiance.

9
10 BZC members present: Chairman Toni Korleski, Vice-Chairman Jerry Valentine, Darcy
11 Kaplan, Mike Bardash, Martin Johnson.

12 Also present: Zoning Inspector David Loveless, Zoning Clerk Lisa Knapp, Zoning
13 Secretary Cathy Rippel.

14 Not Present: BZC 1st alternate member Steve Flaherty, Ray Armstrong (2nd BZC
15 alternate).

16
17 Ms. Korleski read the adopted BZC policy statement.
18

19 **AGENDA ITEM: APPROVAL OF MINUTES**

20 Mr. Valentine made a motion to approve the minutes from the 10/20/18 BZC as
21 presented. Mr. Bardash seconded the motion.

22 Vote: Valentine, yes; Kaplan, yes; Bardash, abstain; Johnson, yes; Korleski, yes.

23 **AGENDA ITEM: LEGAL NOTICE**

24 Ms. Knapp said this meeting was advertised in the October 31, 2018 Delaware Gazette as
25 follows:

26
27 *BERLIN TOWNSHIP ZONING COMMISSION*
28 *NOTICE OF PUBLIC HEARING*

29 *The Berlin Township Zoning Commission will hold a meeting for the purpose of*
30 *public hearing November 13, 2018 at 7:00 p.m. at the Berlin Township Hall located*
31 *at 3271 Cheshire Road, Delaware, OH 43015 in order to consider an application,*
32 *designated as BZC 18-002, filed by AAT Properties Ltd, c/o Coughlin, P.O. Box*
33 *1474, Pataskala, OH 43062.*

34 *The applicant is requesting approval of a preliminary development plan to rezone,*
35 *Parcel's #41833001079000, 5600 Columbus Pike, Lewis Center, OH 43035; &*
36 *41833001080000, 31 Hyatts Road, Delaware, OH 43015 from Farm Residential*
37 *District (FR-1) to Planned Commercial Office District (PCD), 3 ± acres, for the*
38 *development of a commercial/office center known as Hyatts Plaza.*

39 *The text and map of this application will be available for public examination,*
40 *excluding legal holidays; October 31, 2018 to November 13, 2018, Monday-Friday*
41 *from 8:00 a.m. to 4:30 p.m. at the Berlin Township Zoning Office located at 3271*
42 *Cheshire Rd., Delaware, OH 43015. For questions call David Loveless, Zoning*
43 *Inspector at 740.548.5217 x103. Also, you can find the text and map on the Berlin*
44 *Township website www.berlintwp.us After the conclusion of the hearing, the matter*
45 *will be submitted to the Board of Township Trustees for its action. The person*
46 *responsible for giving notice of the public hearing by publication is Cathy Rippel.*
47 *Township residents are encouraged to attend.*

48 *BERLIN TOWNSHIP ZONING COMMISSION*
49 *Toni Korleski, Chairwoman*
50

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

REGULAR MEETING

TUESDAY, NOVEMBER 13, 2018 7:00 PM

51

AGENDA ITEM: INTRODUCTION OF MEETING ATTENDEES

- 52 ♦ Barbara Sherman, 1469 Africa Drive, Galena, OH 43021
- 53 ♦ Joe Korleski, 3581 Greenville Drive, Lewis Center, OH 43035
- 54 ♦ Janice Lescaleet, 5600 Columbus Pike, Lewis Center, OH 43035
- 55 ♦ Connie Klema, attorney representing the applicant, PO Box 991, Pataskala, OH
- 56 43062
- 57 ♦ Scott McAfee, sign professional representing the project. 3940 E. 14th Ave.,
- 58 Columbus, OH 43219
- 59 ♦ Ryan Badger with AVR, civil engineering for the project, 88 W. Church St.,
- 60 Newark, OH 43055
- 61 ♦ John Oney, with Architectural Alliance, the architect representing the project, 49
- 62 E. 3rd Ave., Columbus, OH 43201
- 63 ♦ Larry Harmon, 3931 Africa Road, Galena, OH 43021

64

Applicant Presentation

65 *BZC 18-002, AAT Properties Ltd, c/o Coughlin, requesting approval of a*
66 *preliminary development plan to rezone parcels 5600 Columbus Pike, Lewis Center,*
67 *OH 43035; & 31 Hyatts Road, Delaware, OH 43015 from Farm Residential District*
68 *(FR-1) to Planned Commercial Office District (PCD), 3 ± acres, for the development*
69 *of a commercial/office center known as Hyatts Plaza.*

70 John Oney, an architect with Architectural Alliance, said he was here several months
71 earlier with a concept plan that met with the BZC's approval, and this plan is consistent
72 with that plan. The application went to the Delaware County Regional Planning
73 Commission (DCPRC) and it received staff comments and a recommendation of
74 approval. He is here for preliminary development plan approval so he can move forward
75 with the project.

76

77 Mr. Oney said inside of the building has not changed with 13,460 S.F. and 102 parking
78 spaces. The mix will be 4,400 SF for restaurant and 8,000 SF for retail. The lot coverage
79 is around 60% and the maximum permitted by the zoning resolution is 75-80%. The
80 setbacks proposed also meet the zoning requirements.

81

82 Mr. Oney there are two lots on Hyatts Road that will be vacated and the two properties
83 will become one. There will be new sanitary service and road improvements that are
84 happening next year. There will be a lift station proposed to the west of the All Life
85 property as part of that project. He is requesting approval for this development so it can
86 begin in 2019. He pointed out the building and the circulation as well as buffering all
87 around. He is asking for some divergences and he showed where the storm water would
88 be retained. The entrance is limited to a single point off of Hyatts Road.

89

90 Mr. Oney presented the elevations. He said they were consistent with what was presented
91 before to the BZC. It will be similar to the All Life Center with EIFS, stone, stucco and
92 glass materials.

93

COMMISSION CONSIDERATION

94

95
96 Ms. Korleski asked about the house to the north. Mr. Oney said both homes will be
97 removed and they are part of this property. He pointed them out on the plan.

98

99 Mr. Bardash asked why nothing was changed per the recommendations of the DCRPC,
100 including the divergences. That included minimizing the need for the wall sign
101 divergence on the building by lowering it to the township's requirements. DCRPC
102 suggested reducing the height of the second monument sign on Hyatts Road, as well as
103 including additional architectural detail to the west elevation because it is adjacent to the
104 All Life Center.

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

REGULAR MEETING

TUESDAY, NOVEMBER 13, 2018 7:00 PM

105 Mr. Bardash said he likes the overall concept; it is needed and he is excited to go to the
106 restaurants. He said there is one typo in the book on page 2 regarding the divergence for
107 the separation between food and drink service place from residential development. The
108 text states “Request to reduce this 250’” instead of “Request to reduce this to 250’ ”
109 which completely changes the meaning.

110

111 Mr. Bardash said regarding the mounding and the fence, the DCRPC was fine with that
112 as long as it still blocks headlights. He asked why the applicant felt it should be reduced
113 from a 6’ tall hedge to a 3’ tall hedge along US 23. Mr. Oney said 3’ is adequate in that
114 area. The 6’ would block the view of the road by cars.

115 Mr. Bardash said electronic changeable copy signs are currently prohibited in the zoning
116 resolution, yet the applicant has requested one. The DCRPC recommended including the
117 names of the primary tenants on the sign instead of a sign that changes and could distract
118 drivers.

119

120 Mr. Oney said regarding the reduction of the 300’ to 250’, he was unsure of the distance
121 from residential development. He has been informed that the properties to the east are
122 being rezoned to non-residential development so it would probably no longer be required
123 by the time the development begins. Mr. Bardash said his point was that it was a typo.

124

125 Ms. Korleski asked whether Mr. Oney was stating that the house across US 23 is less
126 than 300’ from the corner of the subject property where there will be a restaurant. Ms.
127 Korleski asked whether that had been changed from residential development yet.

128

129 Janice Leskaleet, 5600 Columbus Pike, said she lives in that house. She had no idea
130 anything was going on until she saw a sign in her yard. Ms. Korleski said a divergence
131 must be requested because it is currently residential. Ms. Leskaleet said the house would
132 demolished. Mr. Bardash said this is for the house on the east side of US 23. Ms.
133 Leskaleet said there is no house there and there was agreement that the house no longer
134 existed. Ms. Korleski said the divergence was no longer necessary.

135

136 Mr. Bardash said the DCPRC also had an issue with the height of the fascia being
137 reduced. Mr. Oney said there would be 4-sided architecture and he developed a TerraPit
138 on the back side of the building so there are no exposed gutters. The mechanicals will be
139 screened via a stone water table and there will be EIFS/stucco material on the back that
140 covers the downspouts. That has been upgraded from what is typically seen in this kind
141 of development. Mr. Bardash asked whether that was done in response to the DCRPC’s
142 comments. Mr. Oney said that was already in the text.

143

144 Mr. Oney said he was the architect for the All-Life Center property to the west, which
145 will be requesting final development plan approval soon. Their operation is very inward
146 related and they have a very nice buffer strip on the eastern edge of the property and the
147 subject property is buffered as well. He has spoken with that property owner regarding
148 the bus access easement that was mentioned and she has responded that she is not
149 interested in that. He pointed out the buffering that is being provided and said it was
150 extensive.

151

152 Mr. Oney said regarding wall signs, he has tried to provide enough height on the
153 building. To the high corners there is 23’ and there is 19’ for the lower bands. The
154 building to the north has a peaked roof and has a good presence. He attempted to get
155 enough building height for this building, which is 200’ long, to get a good proportion.
156 He would like to preserve the opportunity to have 12’ of glass and canopies to soften the
157 appearance and then have a sign band. He is not sure what kind of tenants the building
158 will have and it could be larger tenants that could take half of the building and he would
159 want the capability of signage higher than the ceiling and the 12’ glass.

160

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

REGULAR MEETING

TUESDAY, NOVEMBER 13, 2018 7:00 PM

161 Mr. Oney said he wanted the proportions of the building to be long to fit in with the other
162 buildings and the sign band would be appropriate above that. He did not want to set a
163 precedent but in this case he felt it was appropriate. Mr. Bardash said he did not
164 necessarily disagree with that.

165
166 Mr. Johnson asked whether any tenants had been identified or committed. Ms. Klema
167 said they have not started advertising due to so many improvements needing to be done
168 including the roads and sanitary sewer. However, there is a lot of interest.

169
170 Mr. Johnson asked about the timeline and when ground would be broken, and whether
171 that would be 2019. He asked whether the applicant was dependent on the lift station
172 being done. Ms. Klema said "yes." Mr. Johnson said that was late 2019. Ms. Klema
173 said she would like to start construction in 2019 and open in 2020.

174
175 Mr. Badger said it would not be later than that. The pump house drawings have been
176 finalized and it should start in 2019. Ms. Korleski said construction cannot start until
177 final development plan approval has been obtained. Mr. Badger said OPWC (Ohio
178 Public Works Commission) funding is being used and it needs to be done by the summer
179 of 2019.

180
181 Mr. Johnson said he is not a big fan of divergences. However, he likes the concept of
182 being able to show some different elevations rather than just a flat top roof and it will
183 upgrade the aesthetics of the building.

184
185 Mr. Johnson said relative to reducing the buffering from the 6' to the 3', he can
186 understand why that would be appropriate so there would be less obscuring of the front of
187 the building so people can see it is there. Safety of headlights coming out into ongoing
188 traffic could be a concern, but if DCRPC thinks that is sufficient, he did not have any
189 data to dispute that. He would be more comfortable if the 6' buffer was kept to the west
190 and the north because it would provide better screening between those properties
191 especially along the back of the building. He knows there will be some buffering as well
192 for those properties but the township does not have those plans. The applicant could
193 request a divergence for a reduced height of that buffering along US 23 but to maintain
194 the 6' at the north and west side adjacent properties.

195
196 Mr. Johnson said the PCD district requires a minimum of 10 acres, so a divergence would
197 need to be requested to provide PCD on only 3 acres. Ms. Klema said that was discussed
198 in the prior hearing and the discretion of the BZC was discussed. Mr. Johnson said the
199 minimum is 10 acres or as approved in the final development plan, but a divergence
200 would need to be requested.

201
202 Ms. Klema said when she first met with the prior zoning inspector, he said that would
203 probably not be a divergence because it was something that was approved as part of the
204 plan. Mr. Johnson said he did not necessarily have a problem with that divergence due to
205 where the property is located, unless the intent is to maintain it as continuous residential
206 as it is today. This project seems to make the most sense. Ms. Korleski agreed that it
207 should be included as a divergence.

208
209 Mr. Johnson said the DCRPC does not mention that as a divergence. Ms. Klema said it
210 was not discussed.

211
212 Mr. Johnson said there was also a divergence for a second monument sign on the Hyatts
213 Road side. He asked whether that is actually a divergence. Ms. Klema did not think it
214 was.

215
216 Ms. Korleski said there is one commercial building. However, she has not seen any
217 NAICS codes listed showing what is planned for the property. Mr. Johnson said they

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

REGULAR MEETING

TUESDAY, NOVEMBER 13, 2018 7:00 PM

218 were provided in the book. Ms. Korleski said the zoning resolution indicates that, “The
219 precise use or type of use shall be specified in the plan as amended and approved” so
220 including them all does not meet that requirement.

221

222 Ms. Klema said she has selected certain NAICS codes that would be appropriate. She
223 said she could remove the codes the BZC does not want there. Ms. Korleski said for
224 example, uses like hospitals, nursing care facilities, gasoline stations, and the like. Ms.
225 Klema said she could remove those. She tried to include every possibility and she
226 suggested removing some. Ms. Korleski said the list was too broad and the specific uses
227 should be included.

228

229 Ms. Korleski said uses such as motorcycle dealers, RV dealers etc. would not be
230 desirable there. Mr. Johnson said a boat dealer would not be realistic there.

231

232 Mr. Loveless said for example, there could be an internet boat dealership. Ms. Klema said
233 she would revise the list and provide it back to the BZC for their review. However, many
234 of the uses would be desirable such as a bakery, nursery, automotive parts and accessory
235 store, etc.

236

237 Ms. Kaplan said it should be further narrowed. Boat dealers, motor vehicles, recreational
238 vehicles, gasoline stations, ambulatory services, etc. were discussed being removed. Mr.
239 Johnson said the uses list should be narrowed down and he was most concerned with the
240 uses that would be logistically stressing on the services such as ambulance services,
241 urgent care, etc.

242

243 Ms. Klema asked whether it was correct that if the use was not on the list, they would
244 come in and request a conditional use. Mr. Johnson said it would be a change of use.
245 Ms. Korleski asked whether the applicant would have more of an idea of the tenants. Ms.
246 Klema said she would like to be as inclusive as possible because times change, but to
247 exclude any items that may be of concern. Ms. Korleski was concerned about furniture
248 and home furnishings stores, and she asked whether 1200 SF would be enough.

249

250 Ms. Kaplan said there are some smaller boutique stores in Westerville that could be
251 applicable here as well. Mr. Loveless suggested limiting the list to what sounds like
252 what the applicants want, and including a statement that any other use would have to be
253 approved. Mr. Bardash said it did not even have to be stated.

254

255 Ms. Korleski asked whether the restaurants could be fast food. Ms. Klema was not sure.
256 Ms. Korleski said it may not make any difference. She was concerned that the fire
257 department may be concerned with the maneuverability for the fire department to be able
258 to get around, and that DCRPC was concerned as well. Mr. Oney said they were
259 interested in turning radii, etc. and that he had received a preliminary letter from that
260 department.

261

262 Ms. Korleski said the first divergence discussed regarding 250-300’ can be eliminated
263 and she has six divergences.

264

- 265
- The mound height being reduced from 6’ to 3’.
 - 266 • The wall sign.
 - 267 • The second sign along Hyatts Road.
 - 268 • Only 3 acres instead of the required 10 acres for PCD.
 - 269 • 10’ instead of 15’ green space
 - 270 • 3’ hedge instead of 6’ request.

271

272 Ms. Korleski asked where the 10’ green space would be located. Mr. Oney pointed it out
273 on the plan. He said up to 80% tract coverage is permitted but only 60% is requested, so
274 he was requested that divergence on the north and the west.

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

REGULAR MEETING

TUESDAY, NOVEMBER 13, 2018 7:00 PM

275 Mr. Oney said the adjacent properties are being used as PCD and PID. Former zoning
276 inspector Chet Heid had questioned whether that barrier was really necessary and he
277 requested a reduction from 6' to 3'. Mr. Loveless asked what the elevation change is
278 from the north end of the subject property to the adjacent property. Mr. Oney said it is
279 level.

280

281 Mr. Loveless wondered about emergency access to vehicles coming south on US 23. He
282 said the fire department has not provided comments regarding that but access is always
283 challenged by an intersection.

284

285 Mr. Valentine asked whether it was correct that the egress is 24' wide with two lanes out
286 and one lane in. Mr. Badger said it is 36' wide at the entrance on Hyatt Road and that
287 will include a right-out lane, a left-out lane, and an incoming lane that will taper back
288 down to 24' prior to the parking lot.

289

290 Mr. Valentine said the text states there could be up to 10 tenants. Mr. Oney said that
291 would only be if they did not exceed the maximum sizes.

292

293 Ms. Kaplan said many of her concerns have already been covered but she was concerned
294 about the digital sign, which is not permitted per the zoning resolution. The DCRPC
295 suggested that it be removed, but it has not been. Ms. Klema said the property is on US
296 23, where there is plenty of signage. She noted that the Berlin Township Hall has a
297 digital sign. Ms. Korleski said the township is exempt from zoning. Ms. Klema said her
298 point is that digital signs work.

299

300 Mr. Valentine said that is true but the sign has changeable text, which can distract. Ms.
301 Klema said this is a specific area that is unlike the rest of the township and the applicant
302 is willing to agree to limitations on the sign. Mr. Johnson said he may be willing to
303 concede that other than the fact that it is located right at the Hyatts Road intersection. It
304 is a very dangerous area to have people looking away from the intersection and at a sign.

305

306 Mr. McAfee said it is several hundred feet from the intersection. Mr. Johnson said he was
307 concerned about people coming south on US 23 and looking at the sign as they are
308 approaching that intersection. Mr. Loveless asked where on the property the sign would
309 be located. Mr. McAfee said it was in the center and slightly north. Ms. Klema said the
310 improvements to Hyatts Road include moving the location farther south so it will be even
311 farther from the intersection.

312

313 Mr. McAfee said there have been several suburbs throughout Ohio that are coming to the
314 consensus that these signs are here to stay. He would like to provide more information
315 which may be different than what the BZC may typically think about such signs.
316 Unfortunately, digital sign owners frequently mismanage the sign including trying to
317 display more content than can be read by an average viewer including foot traffic or
318 vehicles. They do not take into consideration the environment around them including
319 speed limit, viewing distance etc.

320

321 Mr. McAfee said when that happens, one gets a poorly programmed sign that actually
322 gives the signs a bad rap towards the people that are somewhat on the fence about using
323 them. He tries to educate his clients regarding how to effectively program these signs so
324 they do not distract. A digital sign is an alternate to having up to 10 tenants on a typical
325 sign that is a static display, which can be more distracting because drivers are trying to
326 read each of the 10 tenants' names. Alternatively, the digital signs can provide 2-4
327 business names scrolling every 30 seconds. These are not designed to attract people who
328 are just driving through town but instead people who frequent the area. Ads can be
329 displayed that may not be seen at a certain time but may be seen later. This does not
330 include rolling, flashing, etc. which is most cases.

331

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

REGULAR MEETING

TUESDAY, NOVEMBER 13, 2018 7:00 PM

332 Mr. Badger said that for example, the City of Columbus has a minimum of 8 seconds and
333 it must change from one text to the other without fading or swiping. He encouraged BZC
334 members to observe such signs at Easton, which he noted was miles ahead of what would
335 be used here. Easton uses their digital signage in higher traffic and higher speed areas
336 around Morse Road and the mall area. They capture foot and road traffic and they even
337 have digital directional signs that help direct traffic. He asked the BZC to look past the
338 fact that it is an LED display. He said it would be possible to make the digital sign
339 dance, sing and perform other undesirable functions, but that is not his intention here.
340

341 Mr. McAfee encouraged the BZC to have an open mind and he said perhaps they could
342 establish rules regarding how the signage is used in order to help satisfy their concern
343 about how those would be used in Berlin Township. He said they are not going to go
344 away but are simply going to become more prolific, such as in Las Vegas where he does
345 not believe they even use static signs anymore and it is nothing but digital technology.
346 The signs are also convenient and can be programmed from any location. They can be
347 programmed to display emergency messages and community information as well. They
348 have been given a bad rap based upon improper programming.
349

350 Ms. Klema asked him what an effective time is for display on an LED sign. Mr. McAfee
351 said it would depend on the message. For a single user, he suggests two minutes in order
352 to reach more people and in order for the message to sink in to smaller groups of people.
353 The message being repeated to the same people will sink in. He said there are
354 professional programming services available for hire to operate the LED signs within the
355 community's code where the sign is located.
356

357 Ms. Korleski said a divergence was also requested to increase the wall signage from 15'
358 to 17' 4". Ms. Klema said that was the sign Mr. Oney explained earlier and that the
359 additional height would make the overall appearance of the building more attractive. Mr.
360 McAfee said the fact that the building is taller puts the sign band higher than it would be
361 on other buildings. Ms. Korleski asked whether that would only be on the three sections
362 as indicated. Ms. Klema said that was correct.
363

364 Mr. Oney asked whether a divergence was granted for the second monument sign. Mr.
365 McAfee said it was stated earlier that no divergence was needed because the property has
366 frontage on both roads and the parcels are not contiguous so that would qualify for a
367 second monument. Mr. Johnson said he did not see any regulations in the zoning
368 resolution that stated there could not be two signs. Mr. McAfee said there is for ground
369 signs. Mr. Bardash said DCRPC noted that the second sign is at a maximum height of 14'
370 and that they thought it was excessive and large given that most traffic will see the sign
371 on US 23.
372

373 Mr. McAfee said the township's height tables are based upon setback. He said that any
374 secondary sign for the development that is located on Hyatts would comply with the
375 zoning resolution. Ms. Klema said she would remove that divergence for the height
376 because the applicant agrees. Mr. Johnson asked whether that sign would comply with
377 all the regulations. Mr. McAfee said it would, based upon the table. That sign would not
378 be electronic but would be a static sign that would probably include the name Hyatts
379 Plaza, have the larger anchor tenant listed as well, and it would also serve as a directional
380 ingress/egress sign.
381

382 Ms. Korleski reviewed the divergences:
383

- 384 • 3 acres instead of the required 10 acres for PCD.
- 385 • 10' instead of 15' green space
- 386 • 3' hedge instead of 6' required
- 387 • The mound height being reduced from 6' to 3' on the north end along US 23.
- 388 • The wall sign at 17' 4".

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

REGULAR MEETING

TUESDAY, NOVEMBER 13, 2018 7:00 PM

389 Mr. Johnson asked whether the wall height sign divergence would be for all of the front
390 signs or only on the three areas. Mr. McAfee said they all shared a common centerline.
391 Mr. Oney said it would break up the elevations and they would all be at the same height.

392
393 Ms. Korleski asked why there is another divergence for a 3' high buffer instead of the
394 required 6' high buffer on US 23 at the west line. The 6' buffer is already being reduced
395 to 3' on US 23 on the north line. She asked why the west line was not included in that
396 divergence. Mr. Oney said one divergence is for US 23 and Hyatts Road, and the other is
397 the divergence for the other two properties, located on US 23. Ms. Klema said they are
398 under difference sections of the zoning resolution; one is regarding green space, and one
399 is regarding height.

400
401 Mr. Bardash said the sign tab shows that the proposed ground sign on the south will be an
402 8' by 5' digital message center. Ms. Klema said that the original plan but it has been
403 changed and that sign will not be digital.

404 Mr. Johnson said regarding digital signage, he understands the point that progress is
405 coming. However, it is not permitted in the zoning resolution today and it is dangerous
406 for the BZC to change the code ad hoc. He asked whether there is anything within the
407 programming and technology of the sign that would prevent the creation of a display such
408 as a dancing, waving leprechaun. He asked whether the applicant is requesting a
409 divergence and is promising that there will be no such displays. Ms. Klema said if the
410 BZC is willing to grant such a divergence, it could include such conditions.

411
412 Mr. Johnson said he did not feel the BZC is in a position to decide tonight on the spot
413 what those conditions should be. If the BZC agreed on such a sign, they would allow a
414 divergence with the conditions that ultimately would be included within an update of the
415 zoning resolution. Mr. McAfee said he would be willing to work with the township on
416 setting guidelines and parameters for this project and also in the future. His company has
417 helped numerous cities write and update their codes including the city of Columbus in
418 2014, which limited brightness, time of use, type of display, etc. Prior to that, the usage
419 of digital signage in Columbus has "gone wild."

420
421 Mr. Loveless asked who would control the sign when there are different tenants. Mr.
422 McAfee said tenants could request new ads but the ownership of the shopping center
423 would control that remotely. The signs have auto-brightness and also timer capability.

424
425 Mr. Loveless said within the last year, the Toyota dealership at the corner of Sawmill
426 Road and SR 161 in Columbus displayed blue and red flashing lights at a diagonal patten
427 indicating a sale, but it blended in with the traffic lights and they could not be seen. He
428 wanted to ensure that one person would control the signage.

429
430 Ms. Rippel said she controls the Berlin Township sign and she has it at eight seconds.
431 Due to complaints about the brightness in the beginning and it was adjusted. She agreed
432 that digital signage is the future and noted that she is able to change the sign copy from
433 anywhere. The township has had complaints regarding why they are able to have the
434 electronic signage while businesses are not.

435
436 Ms. Korleski said the BZC needs to redo the signage regulations to see whether this type
437 of signage could be included and include limitations on such signage. More time is
438 necessary for that, she said.

439
440 Mr. Valentine said the electronic signage was the largest complaint by the DCRPC and
441 they recommended not allowing it. Mr. Bardash said that electronic changeable copy
442 signs are currently prohibited in the zoning resolution.

443
444 A discussion was held regarding the permitted NAICS codes.
445

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

REGULAR MEETING

TUESDAY, NOVEMBER 13, 2018 7:00 PM

446 Mr. Valentine was concerned about the phrase included at the end of the page, “All other
447 uses permitted in PCD district in the Berlin Township zoning resolution currently and as
448 revised hereafter.” Ms. Klema agreed to remove that phrase from the application.
449

450 The following NAICS codes were decided upon as permitted uses for this application:
451

- 452 311811 Retail Bakeries
- 453 4413 Automotive Parts, Accessories, and Tire Stores except 441310 Auto Used Parts
- 454 Sales
- 455 442 Furniture and Home Furnishings Stores
- 456 443 Electronics and Appliance Stores
- 457 444 Building Material and Garden Centers
- 458 445 Food and Beverage Stores
- 459 446 Health and Personal Care Stores
- 460 448 Clothing and Clothing Accessories Stores
- 461 451 Sporting Goods, Hobby, Book (except Adult-Related Entertainment) and Music
- 462 Stores
- 463 452 General Merchandise Stores
- 464 453 Miscellaneous Store Retailers, (except Adult-Related Entertainment establishments
- 465 and 45393 Manufactured Home Dealers)
- 466 491 Postal Service 511 Publishers
- 467 5133 Telecommunications
- 468 514 Information and Data Processing Services
- 469 516110 Internet Publishing
- 470 517110 Wired Telecommunications Carriers
- 471 517212 Cellular and other Wireless Telecommunications
- 472 518111 Internet Service Providers
- 473 52 Finance and Insurance
- 474 531210 Offices of Real Estate Agents and Brokers
- 475 531390 Other activities related to Real Estate
- 476 5322 Consumer Goods Rental
- 477 54 Professional, Scientific and Technical Services (includes Medical, Veterinarians,
- 478 Computer and Related Hardware and Research and Development etc.)
- 479 55 Management of Companies and Enterprises
- 480 561110 Office Administrative Support Services
- 481 561431 Private Mail Services
- 482 561439 Other Business Service Centers (including Copy Shops)
- 483 561510 Travel Agencies
- 484 61 Educational Services
- 485 621111 Offices of Physicians
- 486 621112 Offices of Mental Health Specialists
- 487 621210 Offices of Dentists
- 488 621310 Offices of Chiropractor
- 489 621320 Offices of Optometrists
- 490 621330 Mental Health Practitioners
- 491 621340 Physical, Occupational, and Speech Therapists and Audiologists
- 492 621391 Podiatrists
- 493 621399 Miscellaneous Health Care Practitioners
- 494 621492 Kidney Dialysis Centers
- 495 621512 Diagnostic Imaging Centers
- 496 621610 Home Health Care Services
- 497 624410 Child Day Care Services
- 498 711110 Theater Companies and Dinner Theaters
- 499 711120 Dance Companies
- 500 711190 Other Performing Arts Companies (except Adult-Related Entertainment)
- 501 712110 Museums
- 502 713940 Fitness and Recreational Centers

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

REGULAR MEETING

TUESDAY, NOVEMBER 13, 2018 7:00 PM

503 721110 Hotels (except 72112 casino) and Motels
504 721191 Bed and Breakfast Inns
505 722 Food Services and Drinking Places (except those establishments offering or featuring
506 entertainment including totally nude, topless, bottomless, strippers, male or female
507 impersonators, or similar adult entertainment or services), provided that there shall be a
508 minimum of 300 feet of setback from the property line of any Food and Drink service
509 place and the nearest residential property line or residential zoning district.
510 812 Personal and Laundry Services (except Adult-Related Entertainment)
511 813 Religious, Grant making, Civil, Professional and Similar Organizations
512 92 Public Administration (except 922150 Parole and Probation Offices)

513
514 Ms. Kaplan asked who would be responsible for maintaining the parcel the applicant does
515 not own on the southern edge of the property, and she asked whether there was a
516 coordinated plan with that property owner. Ms. Klema said she would like to in order to
517 ensure that the trees are removed so there is adequate sight distance. She is currently
518 waiting for the county, who may be removing those trees to install the sewer lines. The
519 applicant is interested in purchasing that property but has not been able to so far. Ms.
520 Klema said the All Life Center owns that property.

521
522 Larry Harmon, 3931 Africa Road, said that since the only major problem DCRPC had
523 with this application is the signage, the applicants did a great job of bringing in the sign
524 doctor to help with that.

525
526 Mr. Loveless said two areas have been designated for a dumpster and there could be 10
527 different stores which may necessitate more dumpster locations. He asked whether there
528 was enough parking so that some spaces could be eliminated for dumpsters.

529
530 Mr. Badger said once he has a better idea of the tenants he would know. Mr. Loveless
531 asked whether there was sufficient parking to allow for that. Mr. Badger said he could
532 probably rearrange it slightly to provide for another dumpster. Mr. Loveless said for
533 drive-thrus, the traffic would need to be directed so all cars are in one flow. He asked
534 whether that would be done via signage or arrows, or on the pavement. Mr. Oney said
535 that once additional details are known, the traffic direction and dumpsters could be
536 decided, and those details could be provided during the final development plan approval
537 process which would be required to meet the zoning resolution.

538
539 Ms. Korleski said it did not seem the BZC was looking to vote on this tonight. Ms. Klema
540 asked whether it would be possible to vote but not include the digital signage. Ms.
541 Korleski said some of the divergences need to be addressed and also the NAICS codes
542 need to be specified. Also, the signage needs to be determined.

543
544 Mr. Loveless said regarding the electronic signage, conditions would need to be placed
545 on it and that would take some extra time. He believes Ms. Klema is asking whether the
546 BZC could move ahead on the rest of the application. Ms. Klema asked whether the BZC
547 could approve the application and indicate that they are not acting on that tonight and she
548 could come back separately. Ms. Korleski said the BZC recommends approval to the
549 trustees, who make the final decision. Ms. Klema suggested taking it to the trustees
550 without the approval of the sign and the applicant could come back independently to the
551 BZC to work out the details of the electronic sign.

552
553 Mr. Bardash asked whether the BZC could vote on the application and include the sign as
554 a divergence with the details of the restriction to follow in the final development plan.
555 The trustees could decide they do not like the electronic signage. Mr. Bardash said a
556 divergence could be granted to allow a digital media sign with guidelines and limitations
557 to be set forth as part of the final development plan.

558

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

REGULAR MEETING

TUESDAY, NOVEMBER 13, 2018 7:00 PM

559 Ms. Kaplan said electronic flashing signs are not allowed in the zoning resolution and the
560 BZC cannot just arbitrarily make things up. It could be decided later that those signs are
561 off the table. Ms. Klema said she understood that. Ms. Korleski said in that case, it
562 would have to be standard signage. Ms. Kaplan said that is a risk the applicant would be
563 taking.

564
565 Ms. Korleski reviewed the list of divergences:

566

567 Required is a 6' high hedge, fence or mound: a reduction to reduce this to 3' occurring on
568 US 23 and the western edge of the property abutting Hyatts Road.

569

570 Ms. Korleski asked why that is being requested when it would seem that the adjacent All
571 Life Center would want quiet. Mr. Loveless said the edge towards Hyatts Road falls
572 away there so it would be difficult to install a mound there.

573

574 Mr. Oney said the only place the property abuts Hyatts Road is on the western edge of the
575 property. Ms. Korleski asked whether he was referring to the entrance and Mr. Oney said
576 that was correct.

577

578 To allow the top of the wall signage to be 17' 4" in lieu of 15' to allow signage to be
579 placed in the center of the building fascia band.

580

581 To reduce the minimum requirement of 10 acres for PCD to 3 acres.

582

583 To allow 15' of green space and 6' hedge, fence or mound.

584

585 Ms. Korleski asked where that would be located.

586

587 To reduce to 10' green space and 3' high hedge, fence or mound.

588

589 Ms. Korleski asked where that was located. Mr. Oney said it is on the northern property
590 and the western property. Mr. Johnson asked whether the applicant would be willing to
591 modify that divergence from 15' to 10' but keep the 6' high hedged fence or mound. Mr.
592 Oney said he would prefer to keep the 3' hedge, fence or mound because there are no
593 objections to that from the northern property owner or the western property owner. He
594 said the properties are like uses and are both being used as PCD. He did not know why a
595 6' barrier between PCD uses was necessary.

596

597 Mr. Johnson said the philosophy of buffering is to provide separation/screening between
598 adjacent property owners. He understands reducing it along Route 23 due to the nature of
599 that road and also it would obscure visibility. He would be more comfortable with a
600 standard buffering between property lines. Mr. Loveless said it is not a buffer but it is a
601 mound; the applicant is requesting a reduction of the 6' mound to 3'. Mr. Johnson said
602 he thought it was hedges. Mr. Loveless said the hedges would be planted on top of the
603 mound. Mr. Oney said the zoning resolution indicates it could be a fence, a mound,
604 hedges, or a combination for a total height of 6'.

605

606 Mr. Loveless said a 6' tall mound would take at least 15' of width to build, whereas
607 hedges would take just 3-5'. Mr. Johnson said he would prefer the 6' hedge on the
608 northern and western property. Ms. Korleski said she is fine with that on the north
609 property because that is zoned PID, but the western boundary is the All Life Center
610 campus and they would like privacy. Mr. Oney said that was fair.

611

612 Mr. Johnson said the applicant was still requesting a reduction of the green space to 10'
613 on the western edge and that may be a justifiable change but there still is justification to
614 keep it 6' high.

615

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

REGULAR MEETING

TUESDAY, NOVEMBER 13, 2018 7:00 PM

616 The divergence was revised as follows:

617

618 A reduction of the green space from 15' to 10' on the northern and western sides of the
619 property, and a reduction of the hedge, fence or mound from 6' to 3' on the northern
620 property line.

621

622 To allow a divergence for digital signage with conditions and limitations to be
623 determined as part of the final development plan.

624

625 Mr. Johnson said there are two options: the BZC could vote tonight with the language
626 regarding the divergences as discussed, or the application could be tabled and continued
627 in order to provide an opportunity to determine what the limitations and conditions for
628 the digital signage would be. Ms. Korleski said the BZC should move forward as the
629 BZC is placing conditions and limitations that will be determined as part of the final
630 development plan, or revert back to standard signage. She said nothing else was
631 preventing the application from being considered.

632

633 Ms. Klema said she understands the condition regarding the electronic signage that the
634 BZC is not committing to the approval of the digital signage but instead committing to
635 the fact that the BZC will review the digital signage. Mr. Johnson said that was incorrect
636 and that the language means that the BZC is committing to that approval subject to some
637 arbitrary definition in the future.

638

639 Ms. Klema said the BZC should give themselves the right to refuse the signage. She did
640 not think it was fair to state that the BZC was approving the digital signage regardless.
641 Approving it with conditions and limitations would mean that one of the limitations may
642 be that the digital signage is not allowed. Mr. Bardash suggested adding "or revert back
643 to the current code."

644

645 Ms. Korleski said she did not see any reason why this request could not be a divergence
646 with limitations because everything else is a divergence. She noted the signage portion of
647 the zoning resolution is 12 years old.

648

649 Mr. Korleski said the BZC is arguing back and forth and the applicants have given them
650 almost everything they wanted. He stated that this is a preliminary development plan and
651 the BZC has the right during the final development plan to deny it.

652

653 After additional discussion, the stipulation was modified as follows:

654 To allow a divergence for digital signage with conditions and limitations, up to and
655 including denial, to be determined as part of the final development plan, or revert to
656 current signage zoning code.

657

658 **RESOLUTION 2018.11.13 #A: APPROVE BZC 18-002 & SEND TO TRUSTEES**

659

660 Mr. Bardash made a motion to approve BZC 18-002 and send it to the trustees with the
661 divergences as written and signed and the revised list of NAICS codes. Mr. Valentine
662 seconded the motion.

663 Vote: Bardash, yes; Valentine, yes; Johnson, no; Kaplan, yes; Korleski, yes. Motion
664 carried.

665

666 Mr. Johnson said he likes the plan and the project, and his only concern is regarding the
667 digital signage, which is explicitly prohibited by the zoning resolution and he is
668 uncomfortable approving it even though no details have been provided. Even though the
669 BZC has the opportunity to deny the digital sign, he is concerned for any other developer
670 to request the same exception, even though it is excluded in the zoning resolution.

671

672

AGENDA ITEM: OTHER BUSINESS

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

REGULAR MEETING

TUESDAY, NOVEMBER 13, 2018 7:00 PM

673 Ms. Korleski said the next scheduled meeting is 11/27/18 at 7:00 p.m. at which time the
674 Berlin Meadows and Villas at Old Harbor are expected to be heard.

675

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

677 Meeting adjourned.

678

679

680

681

Toni Korleski, Chairperson

682

683

684

685

Jerry Valentine, Vice-Chairperson

686

687

688

689

Darcy Kaplan, member

690

691

692

693

Mike Bardash, member

694

695

696

697

Martin Johnson, member

698

699

700

701

Steve Flaherty, 1st alternate member

702

703

704

705

Ray Armstrong, 2nd alternate member

706

707

708

709

710

Attest: _____

711

Lisa F. Knapp, Berlin Township Zoning Clerk