

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

SPECIAL MEETING

WEDNESDAY, SEPTEMBER 18, 2019 7:00 PM

1 This meeting was held at the Berlin Township Hall, 3271 Cheshire Road, Delaware, Ohio
2 43015 at 7:00 PM, then tabled and continued to 7:15 PM at Grace Point Church, 2393
3 Peachblow Road, Lewis Center, Ohio 43035 to allow for the substantial audience.

4
5 **CALL TO ORDER**

6
7 The meeting was called to order at Berlin Township Hall by Chairman Toni Korleski at
8 7:00 PM

9
10 BZC members present: Chairman Toni Korleski; Vice-Chairman Jerry Valentine; Darcy
11 Kaplan; Mike Bardash; Steve Flaherty, 1st BZC alternate member (seated).

12 Also present: Zoning Clerk Lisa Knapp.

13 Not present: BZC member Martin Johnson; Ray Armstrong, 2nd BZC alternate member.

14 **AGENDA ITEM: LEGAL NOTICE**

15 Ms. Knapp said this hearing was tabled to this evening from September 4, 2019; that
16 hearing was advertised in the August 22, 2019 Delaware Gazette.

17 **RESOLUTION 2019.09.18 #A: TABLE & CONTINUE BZC 19-004 & 19-005**
18 **TO 7:00 PM AT GRACE POINT CHURCH**

19 Ms. Korleski made a motion to table and continue BZC 19-004 and 19-005 to 9/18/19 at
20 7:15 PM at Grace Point Church, 2393 Peachblow Road, Lewis Center, Ohio 43035.

21 Mr. Flaherty seconded the motion.

22 Vote: Korleski, yes; Flaherty, yes; Valentine, yes; Bardash, yes; Kaplan, yes.

23 Motion carried.

24
25 **CALL TO ORDER**

26
27 The meeting was called to order by Toni Korleski at 7:15 PM at Grace Point Church.

28
29 Pledge of allegiance.

30
31 BZC members present: Chairman Toni Korleski, Vice-Chairman Jerry Valentine, Darcy
32 Kaplan, Mike Bardash, Steve Flaherty, 1st BZC alternate member (seated).

33 Also present: 2nd BZC alternate member Ray Armstrong; Zoning Inspector David
34 Loveless; Zoning Clerk Lisa Knapp; Zoning Secretary Cathy Rippel.

35 Not present: BZC member Martin Johnson.

36 **AGENDA ITEM: LEGAL NOTICE**

37 Ms. Knapp said this hearing was tabled to this evening from September 4, 2019; that
38 hearing was advertised in the August 22, 2019 Delaware Gazette as follows:

39 **PUBLIC NOTICE**

40
41 Public notice is hereby given that on September 4, 2019 at 7:00 p.m. at the Berlin High
42 School, located at 3140 Berlin Station Road, Delaware, Ohio 43015, the Zoning
43 Commission of Berlin Township (Delaware County) Ohio shall conduct a hearing on two
44 (2) related zoning amendments, identified as BZC 19-004 and BZC 19-005 (collectively
45 known as the Berlin Business Park overlays). The amendments have been initiated via
46 motion of the Zoning Commission and are proposed to be amendments to the Berlin
47 Township Zoning Resolution.

48
49 The amendments, in their current form, are on file with Cathy Rippel, Berlin Township
50 Zoning Secretary, at the Berlin Township Zoning Office located at 3271 Cheshire Road,

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51 Delaware, Ohio 43015 and are available for examination between normal business
52 hours. This notice has been given by Cathy Rippel, Zoning Secretary, on behalf of the
53 Zoning Commission.

54
55 Upon conclusion of the hearing, the Zoning Commission recommendation will be
56 submitted to the Board of Trustees of Berlin Township (Delaware County) Ohio for their
57 consideration. A map of the areas being considered is available on the township's website
58 at www.berlintwp.us

59 **AGENDA ITEM: BZC 19-004 & BZC 19-005**

60
61 Ms. Korleski said that the BZC is conducting this hearing on two related zoning
62 amendments, identified as BZC 19-004 and BZC 19-005 (collectively known as the
63 Berlin Business Park overlays). The amendments have been initiated via motion of the
64 Zoning Commission and are proposed to be amendments to the Berlin Township Zoning
65 Resolution.

66
67 Ms. Korleski thanked everybody who took the time to follow up since the last meeting
68 and send in their comments and concerns. They have all been forwarded to the trustees,
69 the zoning commission, Rob Platte, Delaware County Regional Planning Commission
70 director Scott Sanders, and they have been placed into the township legal file as well. All
71 of these comments, concerns and suggestions will be reviewed and addressed prior to any
72 decisions being made.

73
74 Mr. Armstrong said he wanted to share what has been going on regarding annexation and
75 development within Berlin and Berkshire townships. He displayed a map, and said the
76 lighter portions represent areas that have been annexed in recent years. The areas in
77 Berkshire Township extend all the way to the Berlin Township line. Also, the area west
78 of the railroad tracks in Berlin Township has already been or will be annexed to obtain
79 water service.

80 Mr. Armstrong said that is one of the major reasons for these proposed overlays. If the
81 Route 36 corridor is not under the control of Berlin Township, it will be under control by
82 another entity such as Sunbury, Galena, or Delaware. If that happens, the Berlin
83 Township residents will not have a say in how it is developed, the standards, setbacks,
84 buffering, etc. Residents need to get involved and have a say in how this proposal is
85 developed if they do not want it to annex. Mr. Armstrong said that is why Delaware
86 County, Economic Development, the Finance Authority, and the trustees all got involved.
87 He asked residents to participate in a responsible manner to decide what they want their
88 future and the future of this township to be.

89 Bob Lamb, Delaware County Economic Development Director, thanked everybody who
90 has come to this meeting, or has held or attended neighborhood meetings. He wants to
91 get input about the plan and make changes accordingly, and that has been done
92 throughout this process. He has tried, based on economic development and planning
93 principles, to do his best to address it while still trying to define a plan that can provide
94 for an economic base of the future, and to provide the crucial infrastructure that is needed
95 for the area.

96 Rob Platte, Delaware County Economic Development Administrator, said some changes
97 have been made to the use map and he displayed it. It represents the uses proposed in the
98 text and the changes that have been made based upon feedback.

99 Mr. Platte said parcels along Baker Road have been added to the map, as well as one on
100 Dunham Road and a couple on Curve Road. No parcels have requested to be excluded,
101 he noted.

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102 Mr. Platte said the red area is commercial and office uses such as retail and office. It
103 wraps northwest and back down. The blue originally had a mix of commercial and light
104 industrial, and there had been confusion regarding light industrial, which means
105 manufacturing uses. There are also professional and research/R&D facilities, and the
106 purple parcel D includes a logistics component. The manufacturing type uses were
107 pushed to the purple area, which still includes those uses as well as the other uses.

108 Mr. Platte said the old map had a blend of light industrial and residential, but it is now
109 exclusively residential. There were also requests to have transitional zoning from the
110 uses in the purple down to residential, so now there is high-density multi-family at the
111 top, then lower density multi-family, which is apartments and condos. The green area
112 represents a 150' wide buffer against the residential developments.

113 Public Comment

114 Angela Brown, 6081 Sherman Road, said she was concerned about the C and R areas,
115 which the residents are greatly affected by, and she has concerns about the overcrowding
116 of schools, including Johnnycake Corners, which is bursting at the seams.

117 Mr. Platte said the C and R area in the peninsula area represent commercial and
118 residential. The existing zoning does include commercial development along 36/37, and
119 it was increased and dropped down further. That change had to do with the tax base for
120 the schools. The existing zoning is residential down there. Mr. Armstrong said that was
121 incorrect and that it was zoned planned commercial in 2005. Mr. Platte said the C and R
122 zoning is already in place and the zoning is not necessarily being changed. The overlay
123 brings in the exact same commercial uses that are already approved there; it simply adds
124 two uses that were not in that plan. Movie theaters and sound recording studios had been
125 added, but there had been concerns so they were removed. The commercial portion of
126 the zoning has not changed and the overlay includes a 150' setback of residential
127 property that does not currently exist.

128 Ms. Brown said the rumor had stated that said that the C and R portion would be multi-
129 family housing and apartments, and that is a concern for her.

130 Mr. Platte said there is a multi-family housing component of that for two reasons. These
131 uses will be taxed commercially and will be much more beneficial for schools versus
132 single-family homes. Sunbury has annexed to the east of Berlin Township through
133 Berkshire Township. Berlin Township wants to protect their borders, and wants zoning
134 in place that protects the residents so it isn't annexed. That makes it attractive for a
135 developer to want to use the property, and there will be less of a desire to annex out of
136 Berlin Township. That area of multi-family will make it more attractive to a developer.

137 Mr. Platte said that component will make the area more attractive to development. He
138 wants to position the property to keep it in the township.

139 Mr. Lamb said that multi-family developments generate more money for schools than
140 single-family homes. Single-family homes cost the schools more due to the number of
141 school-aged children generated. The average single-family home generates \$10-12,000
142 in tax dollars to the schools, while costing about \$18,000 per student, and it creates
143 approximately 1.6 students per home.

144 Mr. Lamb said takes 6 units to generate 1.6 students, and the average cost of 6 units of
145 multi-family is approximately \$480,000 and it is taxed at a commercial rate instead of a
146 residential rate. He said multi-family housing generates dollars for the school district
147 above single-family homes. That is why Olentangy schools supports multi-family
148 developments throughout the district because they create financial benefit to the district.

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149 Ms. Brown asked what that would mean for Johnnycake Corners and Berkshire middle
150 school. Mr. Lamb said 4 new elementary schools are planned although he was not
151 certain where. He said Evans Farm will be donating land for a school site.

152 Jill Simpson, 291 Plunkett Road, said the buffer zone has been newly enhanced on the
153 maps, but she hoped it would be better than 150'. She asked why the buffer zone on
154 Plunkett Road was in the front and not in the back, as all other buffer zones were
155 included on both the front and back of the properties.

156 Mr. Platte said the intent is to have a 150' buffer adjacent to all residential areas.

157 Ms. Simpson asked about the permitted uses on this side of the map, as she was
158 concerned about the rubber manufacturing, but also code 339999 Miscellaneous
159 Manufacturing, which seems to be a catchall that she was concerned about as a resident.

160 Mr. Platte said the manufacturing uses are now in the purple area with the other uses and
161 he noted that a significant list of NAICS codes were removed. When the overlay was
162 started, all of the uses in the existing Berlin Township Planned Industrial District were
163 wrapped into the overlay and into the industrial park, knowing the process of refining that
164 list would occur later. He has received significant feedback regarding codes residents do
165 not want to see in there, including rubber, gypsum products, etc. Research indicated that
166 gypsum products are more than just drywall; it would also include mining, so it was
167 removed. Now is the time to look at these codes and refine them further.

168 Ms. Simpson asked whether it was correct that the 339999 code is a catchall. Mr. Platte
169 said it is a catchall and it will be removed.

170 Dr. Megan Raehll, 4935 SR 37 East, thanked Mr. Lamb and Mr. Platte for their efforts
171 and feedback. She said the Big Run Estates neighborhood has reached out to them and
172 they have answered questions with expertise, professionalism and transparency
173 throughout the process.

174 Ms. Raehll said the revised plan is deeply problematic for many reasons. The single most
175 important reason that this proposal is not just to change the landscaping of Berlin
176 Township, but is a proposal to change the identity of Berlin Township. This proposal
177 runs contradictory to the rural and residential beauty of the community, as well as the
178 current density parameters of the community. It introduces NAICS codes that are far
179 from light industrial, even preserving concrete plan manufacturing.

180 Ms. Raehll submitted a letter on behalf of the Big Run Estates residents for the record.
181 She requested the following revisions to the current proposal:

- 182 1) No industrial overlay, or at least no NAICS codes that are non-starters and could
183 potentially jeopardize the health and well-being of the community.
184 2) Reduce housing density to align with current zoning standards.
185 3) Incorporate necessary design parameters that are inclusive of but not limited to
186 year round landscape and setback zones, lighting control, and open green spaces.
187 4) Alter the setback from residential property lines to 300' instead of just 150.'
188 5) Limit the size of all zonings to include only sections within 700' of the 36/37
189 corridor, with only residential zoning permitted beyond that.
190 6) Incorporate clear and necessary controls for buyers to indicate how they plan to
191 enhance the Berlin community, such as building a community center, a pool, or a
192 park.

193 Ms. Raehll said she really appreciates the efforts to protect the community from
194 annexation, and she asked that the residents be protected and to take the necessary time to

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195 figure out ways to build up and uplift all residents so the beauty and identity of Berlin
196 Township can be preserved.

197 Debra Armbruster, 477 Dunham Road, asked whether there was any plan for green space
198 around the development.

199 Mr. Lamb said the answer is yes; within the proposed guidelines there is a certain amount
200 of open space, as well as the county trail plan that will be looked at. A great feature about
201 doing a master plan approach instead of a one-all is that he can forecast the various green
202 spaces in the area and provide the financial mechanisms that are required to build out the
203 trail networks and other amenities that would be beneficial to the community overall.

204 Ted Ransdell, 220 Lackey Old State Road, said he backs up to the green space which is
205 indicated as being logistics. That means trucks, which will be noisy and there will be in
206 and out traffic, right up against his backyard. He asked how the trucks would get into
207 Delaware, as traffic is bad especially at 4:00 p.m. The area is also 650' from his property
208 line.

209 Mr. Ransdell said Mr. Platte told him when the process first started that the buildings in
210 that area would be 25,000 SF, but that was increased to 50,000 SF at the last meeting.
211 After the last meeting, he asked Mr. Platte what would happen if he wanted to build a
212 150,000 SF building, and Mr. Platte told him "we wouldn't turn you down." Mr.
213 Ransdell said he wants to know which answer was right, and he stated that all warehouses
214 are 150,000-300,000 SF.

215 Mr. Lamb said regarding the traffic patterns, the city has plans to improve "The Point"
216 area via a \$20 million project. There are also traffic concerns towards I-71. Going
217 forward with a master plan concept allows him to put into place the mechanisms that
218 provide financing to do those public improvements. Since the entire area is being
219 developed, the mechanism is being put into place to fund those public improvements,
220 including auxiliary roads that will help alleviate those concerns.

221 Mr. Lamb said regarding the 650' concern, he cannot tell him what the future holds in the
222 way of a land acquisition standpoint, but there are 400 acres on the south side being
223 proposed in the purple area, including light manufacturing. A development could easily
224 extend further than 650'. Regarding the size of the buildings, that will be addressed with
225 the design guidelines that are established, as well as the floor to area ratios that will be
226 laid out within the zoning process. Those are the ways in which the size of buildings are
227 controlled. Because it is in the future, he does not know who will submit an application
228 or what will happen in that area. The market conditions he sees are driving buildings
229 anywhere from 25,000 SF to 250,000 SF.

230 Mr. Ransdell asked if it could be moved back 1200-1500' from his rear property line.
231 Mr. Lamb said interested property owners who want to develop their land are already
232 being engaged by interested companies who want to buy their land and develop it. He is
233 trying to find a middle ground between the property owners and the buyers. This plan
234 will be up to the zoning commission and the trustees. However, property owners will
235 pursue the opportunities that provide the highest densities and return.

236 Chris Acker, 90 Lackey South Old State Road, thanked the BZC for their work. He
237 echoed the thoughts of the doctor who spoke earlier. He said it was his understanding
238 that if nothing is done tonight, the City of Delaware will annex this property. Mr.
239 Flaherty said that was correct, or it could be Sunbury. Mr. Acker asked whether it was
240 correct that if the overlay is approved, that the City of Delaware will not annex the
241 property. Mr. Flaherty said that is not a guarantee and that is why the township will ask
242 for the annexation agreement.

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243 Mr. Acker said he could attend city council meetings, and even if it was annexed, this
244 group would still have a say in what happens on this property, and the city council would
245 have to listen to them. They could not disavow what they have to say because they are
246 elected officials.

247 Mr. Flaherty said the residential properties would not be annexed, just the commercial
248 areas. The residents could go to Delaware City council but the impact would not be the
249 same as they would not be residents of Delaware. There is no benefit to them to annex
250 residential properties, as they are already zoned. This overlay has already been designated
251 as PCD on the land use plan since 2005. This overlay is providing an additional tool
252 above and beyond the existing zoning as a PID or PCD to include setbacks, in order to
253 protect Berlin Township from annexation. This is just a tool, not a rezoning process.

254 Mr. Acker said the 36/37 plan would be more tolerable if a distance could be specified
255 from the highway where commercial businesses could be built; for example, 750' from
256 the highway, then a setback for residential. He said the density at 14 units/acre is
257 phenomenal. He asked that be reduced to a maximum of 6 units per acre, and one unit
258 per acre for single family. Mr. Acker said the buffer zone of 150-300' is a good idea for
259 the fronts and backs of properties.

260 Mr. Flaherty said this is a process to get the residents' input as to how they would like to
261 see that developed. The barrier that is encountered is that anything can be placed in the
262 cloud. However, it is only a tool, and Delaware could still annex the property with the
263 promise of higher densities. The township is still trying to find the middle ground, and no
264 vote has been taken yet. They would like to incentivize the district appropriately so the
265 property owner would want to stay in Berlin Township.

266 Mr. Acker said Delaware already has an industrial park and would love to build it out.
267 There are also two large shopping centers with nearly 20 businesses in there that are
268 bankrupt now. Mr. Flaherty said the city of Delaware will develop anywhere possible.
269 The difference between a city and a township is that a city is a business. They receive a
270 2% income tax on each resident, and they also receive income taxes from all commercial
271 developments. Walmart and Home Depot love their locations in Orange Township
272 because they do not pay payroll taxes or commercial taxes to a local entity because the
273 township does not have income tax requirements.

274 Mr. Lamb said the Tanger outlet has 97% occupancy rate, and in the Meijer shopping
275 area, three outparcels have been sold already this year. When outparcels are selling
276 quickly, there is interest in the market. Mr. Acker said usually those businesses get a tax
277 break and that's not something people see. Mr. Lamb said proposed for this area is a
278 50% abatement for the first 10 years, reducing each year. Every year something is built,
279 the schools see an additional amount of money coming in from the commercial
280 developments in the area. The abatement does not apply to the multi-family
281 developments in the area.

282 Bill Bishop, 2541 Bay Harbor, Berlin Township, said he is vice-chair of the Delaware
283 County Finance Authority, which is the economic board for the county. He said he had
284 many of the same concerns as the residents, and that is why he volunteered to participate
285 on the finance authority board. He would like to see Berlin Township stay green.
286 Unfortunately, the property owners have different ideas. He would like to see some of
287 the restrictions put into place that have been suggested. However, it is a double-edged
288 sword. If the restrictions are too difficult, the property owners will annex and then they
289 will be dealing with Sunbury and Delaware, but they will no longer have a voice. If the
290 property stays in Berlin Township, it will be controlled by Berlin Township.

291 Marti Davis, 1950 Lackey Old State Road, said she understands the overlay is being
292 placed so the property doesn't get annexed. She asked why it couldn't be done nicely,

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293 with some imagination and a nice design, instead of just structures. A plan could be
294 presented to the farmers and the residents, and it would be more acceptable to them than
295 just aluminum buildings.

296 Ms. Davis said there should be restrictions on height of the commercial and residential
297 areas so the height is more acceptable and the nearby residents do not mind looking at it.

298 Mr. Flaherty said the BZC would like developers to bring community and uniqueness and
299 that they uphold the township's standards. They can't just bring in rooftops; community
300 beyond that including green space must be brought in. He referenced the Franklinton
301 redevelopment and the Gravity Center, which are uniquely designed. The township must
302 decide the design of the area with the design and architecture board to ensure the right
303 standards are put into place. Perhaps an industrial park could have silos as some of the
304 design so it fits in better. If this is not done, it will look like an industrial park like
305 Sawmill Parkway.

306 Mr. Lamb said the finance authority has already authorized staff and funding for a
307 contract with NBBJ to create design guidelines. They will put together a design
308 guideline proposal for the trustees, and the trustees will create a design architecture board
309 that will control how the development looks. That should help prevent a "1960-industrial
310 park type development." It will ensure it is a high quality development that respects the
311 nature of the community.

312 Herb Kaiser, 3712 Curve Road, said the arguments are circular and illogical. It has been
313 stated that the city will want to annex the higher paying property, not the houses. Yet
314 proposed is an industrial park that is attractive to Delaware. Created has been a situation
315 where Delaware can cherry pick the purple district. That is circular reasoning.

316 Mr. Lamb said that individuals that annex usually do so to secure utilities and zoning. If
317 the township doesn't provide zoning and higher densities in the cloud, the city will annex.
318 Mr. Kaiser said that will create a catch-22 with the children; more children come in,
319 requiring more schools. Mr. Flaherty said the property would remain in the Olentangy
320 school district.

321 Mr. Flaherty said Berlin Township doesn't have a survivable standpoint from a
322 residential tax base. A residential neighborhood costs from \$1.75 to \$2.55 per dollar that
323 the township receives. That is what a residential neighborhood does to the township. The
324 commercial tax base is way out of whack, and the township needs to figure out how to
325 increase commercial development so those taxes can help subsidize the residents.

326 Mr. Kaiser said 300 acres with 10 houses per acre is ridiculous. Mr. Lamb said when
327 townships in developing areas take steps to put into place zoning and utilities, the area
328 doesn't develop or annex for development purposes.

329 Rich Newell, 160 Lackey Old State Road, said that there was a question regarding police
330 coverage at the last meeting. He said he understands this is the process so everybody has
331 a voice, and that the BZC is going to generate a suggestion to the trustees, who will vote
332 on it. So feasibly, this could all be a moot point. Mr. Lamb said that is correct, and that
333 the trustees have the ultimate decision.

334 Mr. Newell said the trustees would establish the zoning rights but Delaware could annex
335 it later, and he asked which zoning would apply. Mr. Flaherty said this is not a zoning
336 but simply a tool. If the standards of the district are met including the design standards,
337 they can have their plan approved. However, they can still annex to Delaware.

338 Mr. Flaherty said that water and sewer decide everything. Once an entity receives federal
339 funds from the US Department of Agriculture or from a sewer or water district, those

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340 customers can never be annexed out of service. Thus, there is no incentive to annex
341 because the city would not receive revenue towards their sewer or water district.

342 Mr. Flaherty said the BZC is trying to heed the residents' input and balance it with the
343 market conditions and the landowner's desires. They have one chance to get this right; if
344 it gets screwed up, the city will take over, the residents' voices will mean nothing, and
345 the tax dollars will go to the city.

346 Mr. Newell asked whether the buffer is measured from the property line or the structure.
347 Mr. Lamb said it would be 150' from the property line. If the city annexes the property,
348 they would establish the zoning for that land when it is annexed in.

349 Mr. Lamb said regarding police services, a JEDD (Joint Economic Development District)
350 is an economic tool that will establish an income tax on businesses in this location. This
351 is new revenue that can pay for public safety or other items.

352 James Brenza, 3626 Curve Road, said there were letters that were requested to be read
353 into the record as well as a PowerPoint presentation, but he has not heard those yet.

354 Ms. Korleski said there were many requests for letters to be read into the record.
355 However, there is not enough time to read them all into the record. They will all be
356 considered by the BZC, the trustees and the county, and they will all be included in the
357 legal file.

358 Mr. Brenza said one can go anywhere in this area to live in high density housing. Berlin
359 Township is one of the last places to enjoy peace and quiet and friendly neighborhoods.
360 He fears this proposal is compromising that significantly. He understands that the BZC is
361 between a rock and a hard place, but he strongly advocates for changes to help rein that
362 in.

363 Mr. Brenza said NAICS codes are a 6 position description and they are revised and
364 released every 4-5 years. These NAICS codes are based on 2002, and new codes are now
365 in effect. Some of the codes listed only use 2-3 characters, which implies that everything
366 below that is included. He encouraged the BZC to use the 2017 NAICS codes and to use
367 all 6 characters at all times, not just the first 2-3.

368 Mr. Brenza said there are several properties in the residential section that touch Curve
369 Road, including one which is his neighbor's house that they just renovated and he doesn't
370 think they want large structures near them. He also wants to ensure there is not a grand
371 entrance in that area to a huge development. He requested stipulations to keep massive
372 buildings away from Curve Road and away from their backyards.

373 Mr. Lamb said he agreed regarding the quality of housing and the protection of the
374 community here and that is why feedback is being requested. Regarding high density, it
375 can be seen right there on the north side of Meijer, where the city has approved multi-
376 family. It is coming and he is attempting to find the balancing line. He will consider the
377 2017 NAICS codes. Regarding the design standards for the entry points, design
378 standards will be established. A board that controls those design guidelines will be
379 appointed by the trustees and they will be thoroughly engaged.

380 Mr. Brenza said the purple section and area C seem to be about twice as large as they
381 need to be, and they are too deep and too close to many houses. He encouraged keeping
382 those areas close to 36/37. He asked what the fascination was with industrial and
383 logistics, which are 24/7 operations. He asked why that could not be banned and that
384 area be made office space instead.

385

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386 Mr. Lamb said that is driven by current market conditions and there is much interest not
387 just in Delaware County but also Central Ohio for light industrial and flex-space, which
388 is also known as “boutique manufacturing.” This involves smaller businesses with 50, 10
389 or 100 employees, and these are normally highly skilled, highly trained individuals. One
390 example of this is the 100-acre Creekside Industrial Park along Route 23 in Orange
391 Township. It started just 2 years ago but is nearly completely full with 20,000-500,000
392 SF operations that are seeking that type of use.

393 Mr. Lamb said design guidelines would be put in place to control what happens. If some
394 light industrial and a mixture of the manufacturing and logistics is not permitted, the
395 property owners will pursue other opportunities that are more lucrative to them.

396 Mr. Brenza said he would like to review the math on the multi-family developments. He
397 also requested that they be limited to one story and there be no more than 6 units per acre.
398 14 units per acre is ludicrous. He asked that single family developments be limited to
399 one home per acre. This will help protect the dignity and integrity of the neighborhood.

400 Mr. Lamb asked Mr. Brenza to contact him and he would sit down and review the
401 numbers with him. Regarding the one unit per acre, there are many neighborhoods in
402 Berlin Township that exceed that density already.

403 Ann Marchiondo, 444 Lackey Old State Road, asked about what would be located in area
404 D. She thought it would be shops and offices. Mr. Platte said it would be professional,
405 research, office logistics and commercial uses. Professional covers everything but
406 residential and manufacturing-type uses. It could be some sort of distribution or
407 warehouse use, retail, R&D, medical office, attorney office, etc. Ms. Marchiondo asked
408 whether that could be limited to commercial and office uses rather than R&D uses. Mr.
409 Platte said that could be taken into consideration for the revised map.

410 Ms. Marchiondo asked whether a specific user is interested in that area. Mr. Platte said
411 he has been approached by property owners who want to develop their property and he
412 knows the properties are being listed, but there are no end users at this point.

413 Amy DeChristopher, 436 Lackey Old State Road, asked if a road could be located within
414 the 150’ buffer area. Mr. Lamb said as written now, roads could go into that location.
415 Ms. DeChristopher asked whether roads could be excluded from those areas. She does
416 not want roadways along the north side near her home and going right through her home.
417 Mr. Lamb said it could be added to the buffer as a limited use if requested. However,
418 there are property owners that would want to ensure that they can still access the main
419 roads via Lackey Old State Road, Curve Road, etc. There may be language that could
420 help address her concerns, which appears to be involving a roadway along the northern
421 boundary of her property. He said the road would not go right through the homes. Ms.
422 DeChristopher said there is a common access driveway and a cul-de-sac

423 Ms. DeChristopher said step-down zoning has been addressed for all residential areas
424 except the Lackey Old State corner. R&D does not make her feel more comfortable and
425 it is actually more concerning to her than light manufacturing due to the testing of
426 products on the site. Mr. Lamb said R&D does not fall within the manufacturing area.
427 He understands the concerns of testing of products on site, but other uses will also be
428 provided. R&D covers many uses, not just those that would be manufacturing in nature.

429 Ms. DeChristopher said the NAICS codes need to be clearly laid out for the D parcel. She
430 asked again for consideration of step-down zoning, as it goes from low density residential
431 to everything but light manufacturing. Mr. Lamb said he would make a note of it.

432 Jasper DeChristopher, 444 Lackey Old State Road, said he is also disappointed that there
433 is no step down zoning, and that residential properties would be located right up against

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434 industrial and commercial uses. The neighbors have pushed back and received a 150'
435 buffer, but they do not seem to be going anywhere. 150' doesn't mean much if a road is
436 located there.

437 Mr. DeChristopher said there is a difference between 25,000 SF, 50,000 SF, 250,000 SF
438 and 500,000 SF and that is concerning to the residents. There will be noisy trucks
439 coming in and out of parcel D from Lackey Old State Road, and he asked why the access
440 could not be from 36/37. He said this will affect his property value. Mr. Lamb said
441 auxiliary roads are being planned along 36/37 but there will be limited access on 36/37 to
442 address ODOT's traffic patterns and to ensure their desire to ensure traffic continues to
443 move on 36/37.

444 Christina Littleton, 5310 Baker Road, said that the concerns that exist for buffering and
445 stepdown zoning that have been addressed on Lackey Old State and Curve Roads also
446 exist for Baker, Plunkett and North Old State Roads.

447 Ms. Littleton asked why some residential properties were included in the overlay, and she
448 asked what the economic benefit would be. Why would a developer want to purchase her
449 house for \$150,000 or \$200,000 per acre when they can purchase larger parcels for less
450 money?

451 Mr. Lamb said regarding the acquisition of the parcels, different parcels will be worth
452 different amounts, depending on the anticipated end use for that area. For example, some
453 uses will pay up to \$6 million for 1/5 acre to be at a certain location. It all depends on
454 what the acreage can be sold for, and that will all depend on the potential use of the land.

455 Mr. Lamb said regarding why certain people want to enter into the cloud overlay, one
456 home on the north side as well as a home on the south side asked to be included because
457 it rounded out what was already being looked at and they felt they could benefit from the
458 cloud.

459 Ms. Littleton said two homes on Baker Road recently asked to join. She is having a hard
460 time visualizing that being a main road. Mr. Lamb said it depends on what they think
461 they can sell their property for, and they just want the option to reposition their land if the
462 opportunity comes in. He does not believe he had conversations with those property
463 owners so he is not certain of their motives.

464 Mr. Platte said that two houses to the west also asked to be added to the cloud. He noted
465 that the underlying zoning will still exist and will not change. This is just an overlay.
466 Those two homes have requested inclusion to give them options for development on the
467 property. If they are not included in the overlay but later would like to sell to a
468 developer, they would not be able to develop it as requested.

469 Tim Dickens, 1876 Africa Road, asked what would happen if the only piece of property
470 one owns is a 150' by 300' strip located in the buffer zone? Mr. Platte said the buffer
471 would still exist, and perhaps the developer may use it for open space requirements.
472 Mounding, trees etc. can be placed in that setback. It would still be desirable to purchase
473 the property, but it would not be able to be developed with a building.

474 Mr. Dickens asked if a buffer had already been included in the plan, would the small
475 property still be desirable? Mr. Lamb said it still could be used as open space, but they
476 would not be able to build a building or parking lot within that area. Mr. Dickens said the
477 front corner and the side could be developed, and he could be stuck with a 150' strip.
478 Mr. Lamb suggested that he contact him and they could review it.

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479 Mr. Dickens thanked them for their work. He is concerned about Delaware, Sunbury,
480 etc. coming in. He knows Delaware would love to have this property as an industrial site.
481 It is a very desirable area and he would like to keep it in Berlin Township.

482 Josh Keene, 538 Lackey Old State Road, asked if parcel D was in potential contract. Mr.
483 Lamb said there is definitely interest in that property but there is no contract in existence
484 and has received no official application. Mr. Keene said he was told a month ago that
485 there was a non-disclosure agreement on that property and he asked whether that was true
486 or false. Mr. Lamb said there has definitely been interest in that property, but the full
487 extent he cannot tell him.

488 Mr. Keene said he came to Berlin Township four years ago from Chicago to get away
489 from the hustle and bustle and build his dream home. To think of a semi-truck facility
490 and pollution in his back yard where he sees the sunset every night is definitely
491 something that he does not care to see. This is true especially when there is a beautiful
492 state park right across the street where people visit all the time. There is so much traffic at
493 that intersection currently, and it will only get worse. He would like to zone that
494 differently and he wants more than a 150' buffer. The development area is too deep, as it
495 comes all the way to Curve Road.

496 Roger Marbry, 3855 Curve Road, said there are two sites that back up to residences on
497 Curve Road. It has not been addressed that the property has been designated as a national
498 wetlands. There is also a tributary that flows through parcel D that supports another
499 wetland in parcel C as well. He asked whether the township was setting the expectation
500 that the wetlands can be developed and the topographic nature of the wetlands, including
501 tributaries and drains, could be changed without interfering with the Clean Water Act.

502 Mr. Lamb said that all development has to go through a variety of oversight processes,
503 including the Ohio EPA, the Army Corp of Engineers, etc. and they will have to address
504 every requirement throughout that build process. They may choose to build or not build
505 based upon the requirements and the cost of those requirements. Mr. Marbry asked why
506 those requirements have not been designated on the proposed cloud in order to set
507 expectations for development.

508 Mr. Platte said this is an overlay and the end use will still be subject to the underlying
509 zoning, which is already in place. The developer will not be able to build in wetlands or
510 ravines either way. A wetlands map could be developed with the non-developable areas
511 indicated, but the underlying zoning will still be there and the wetlands area will not be
512 able to be built. The underlying restrictions of the property do not change due to the
513 overlay. Mr. Lamb said a developer also may desire to use that as an open area
514 requirement.

515 Mr. Marbry said he agreed that the current zoning being in place is a good point, and that
516 no changes can be made to the land that will affect the tributaries running off into the
517 wetlands. He believes there are wetlands in the C and D parcels. Mr. Lamb said there is
518 a tributary in the D parcel as well as in several other locations on the site, including near
519 Curve Road.

520 Ms. DeChristopher said the zoning resolution emphasizes protecting trees, ravines, slopes
521 in excess of 6%, etc. She asked whether there would still be the same requirement to
522 preserve trees and ravines here. Mr. Lamb said that would be controlled by development
523 guidelines that would be established by the established board. Ms. DeChristopher asked
524 whether those clauses in the zoning resolution would not be included in this. Mr. Lamb
525 said per the Ohio Revised Code, those clauses can be included within zoning, which is
526 why there is a two-step process. There is a cloud overlay that will designate uses, and the
527 second step would be to establish design guidelines. Step 2 cannot be done until step 1 is
528 completed.

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529 Ms. DeChristopher asked whether the intent would be that the requirements would be
530 embedded in the design guidelines. Mr. Lamb said generally, the answer would be yes,
531 although he did not want to speak to a specific rule or policy because the trustees will
532 have the right to set the guidelines. The whole point of the design guidelines is to put in
533 place a framework that will control the growth in a way that is more acceptable than if
534 there were no guidelines. He offered to come out to a neighborhood meeting at any time
535 necessary to discuss her concerns.

536 Ms. DeChristopher said the design board is required to have a certified architect or
537 engineer. She asked how the board would be established. Mr. Platte said per Ohio
538 Revised Code, it would be a 5 member board put in place by the township trustees. All
539 members must be Berlin Township residents, and one is required to be an engineer or
540 architect. The trustees will also put the standards in place. Ms. DeChristopher thanked
541 him for taking the residents' concerns into consideration.

542 Mr. Platte noted that a Marathon pipeline extends through the northeast corner of this
543 area. The parcel is included in this proposal although it cannot be built upon.

544 Ms. Korleski thanked everybody for their input and said the meeting would be concluded.
545 She thanked everybody for being calm and said it is appreciated.

546 **RESOLUTION 2019.09.18 #B: TABLE & CONTINUE BZC 19-004 & 19-005**
547 **TO 10/3/19 AT 7:30 PM AT GRACE POINT CHURCH**

548 Ms. Korleski made a motion to table and continue BZC 19-004 and 19-005 to Thursday
549 10/3/19 at 7:30pm at Grace Point Church. Mr. Valentine seconded the motion.

550 Vote: Korleski, yes; Valentine yes; Kaplan, yes; Bardash, yes; Flaherty, yes.

551 Motion carried.

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553 Motion to adjourn. Meeting adjourned.

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Toni Korleski, Chairperson

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Jerry Valentine, Vice-Chairperson

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Darcy Kaplan, member

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Mike Bardash, member

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Martin Johnson, member

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Steve Flaherty, 1st alternate member

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Ray Armstrong, 2nd alternate member

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Attest: _____

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Lisa F. Knapp, Berlin Township Zoning Clerk