

**BERLIN TOWNSHIP ZONING COMMISSION (BZC)**

*OF DELAWARE COUNTY, OHIO*

**SPECIAL MEETING**

**THURSDAY, OCTOBER 17, 2019 7:00 PM**

1 This meeting was held at Gracepoint Church, 2393 Peachblow Road, Lewis Center, OH  
2 43035.

3  
4 **CALL TO ORDER**

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

7  
8 Pledge of allegiance.

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

12 Also present: 2<sup>nd</sup> BZC alternate member Ray Armstrong; Zoning Inspector David  
13 Loveless; Zoning Clerk Lisa Knapp; Zoning Secretary Cathy Rippel.

14 Not present: Steve Flaherty, 1<sup>st</sup> BZC alternate member.

15 **AGENDA ITEM: LEGAL NOTICE**

16 Ms. Knapp said this meeting was tabled to this evening.

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

18 *BZC 19-004 and BZC 19-005 (collectively known as the Berlin Business Park*  
19 *overlays). The amendments have been initiated via motion of the Zoning Commission*  
20 *and are proposed to be amendments to the Berlin Township Zoning Resolution.*

21 Ms. Korleski asked Rob Platte, Delaware County Economic Development administrator,  
22 and Bob Lamb, Delaware County Economic Development Director, to present the  
23 changes and updates to the plan.

24  
25 Mr. Platte said the changes to the map include extending the R-6 area, which is the  
26 single-story condo area, in yellow to the north to cut down on some of the commercial  
27 development. Use-wise, that is all that has changed. He said two parcels on the top far  
28 left north of 36/37 have requested to be added to the development.

29  
30 Mr. Platte said he hoped everybody was able to look at the two text documents referenced  
31 at the last meeting that were posted on the Berlin Township website. The BZC has  
32 received two red-line versions and two clean versions. The red-line versions incorporate  
33 everything from the October 3<sup>rd</sup> meeting.

34  
35 Mr. Platte said he received an email regarding the agricultural uses under NAICS code  
36 1114. That had been brought in from the existing zoning. Per Ohio law, agricultural uses  
37 5 acres or larger are exempt from zoning in townships, so it doesn't really matter if  
38 agricultural uses are listed there or not. He recommended that the charts in each district  
39 be removed altogether.

40  
41 Mr. Platte said there had been questions from one of the BZC members regarding  
42 limiting the NAICS codes. He recommended that wherever there is a 4 digit code with  
43 an X beside it in one of the subarea columns, it needs to be removed. He is trying to get  
44 to the 6 digit NAICS codes so there isn't any confusion. He will leave in the 4 digit code  
45 and the description to give a subheading.

46  
47 Mr. Platte said there was a request under page 15-20 of the BCO, under 6221 uses, where  
48 he had captured the existing zoning uses. There is also a 6 digit code that captures all  
49 hospital-type uses including residential, developmental disability, psychiatric and  
50 substance abuse, etc. It was recommended that 622210, 623210 and 623220 be removed.  
51 There are also codes indicated in red that have been added because they seemed to make  
52 sense.

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53 Mr. Platte said page 15-24 of the BCO Section 15.04 f) under prohibited uses calls out  
54 prohibited NAICS codes that includes 711310 promoters of performing arts, sports, and  
55 similar events with facilities, which was from the existing zoning. Those uses aren't  
56 included in the charts and he asked that letter f) be removed.

57  
58 Mr. Platte said at the 10/3/19 hearing, the modification process was discussed, and by  
59 law, the township must provide a board of zoning appeals, and applicants have the right  
60 to request an appeal if they cannot meet the township's zoning as written. He didn't think  
61 it was necessary to include that language because it is their right by law and it is already  
62 called out in the zoning resolution. What used to be item 21 on 15-33 of the BCO was  
63 removed as a result.

64  
65 Mr. Platte said regarding changes to the map, the NAICS codes have been included on  
66 the township website and emailed out, and he would like to incorporate that into a  
67 recommendation to the trustees.

68

69

Public Comment

70

71 Ms. Korleski asked that speakers limit their speaking to 3 minutes and also to not be  
72 repetitive.

73

74 Jill Simpson 291 Plunkett Road, said that Ms. Korleski had stated at the end of the last  
75 meeting that she was frustrated that people were speaking about issues that only  
76 personally impacted them. Ms. Simpson said that was correct. She asked each BZC  
77 member to consider if any of those codes were directly in their front or back yards.

78

79 Amy Aiken, 61 Westgate Drive, said it has been stated that codes could be eliminated per  
80 an individual's response, could a code also be added? One that was requested to be  
81 removed was residential mental health and substance abuse facilities. She would like that  
82 to be reinstated.

83

84 Ms. Aiken said her family has owned land here for 180 years. It is very important to her  
85 family and neighbors that what is happening in Berlin Township is carefully examined.  
86 She wanted to bring something called an eco-industrial park to the attention of the BZC.  
87 This offers business advantages of a traditional industrial park, while also using resources  
88 more efficiently, improving productivity, supporting the achievement of firm social  
89 responsibility goals, and lowering exposure to climate change risk.

90

91 Ms. Aiken said we are at a global climate crisis. She said she didn't know why the  
92 township would consider anything that would damage our environment in a significant  
93 way, and that only those uses that offer sustainability and a very small footprint should be  
94 approved.

95

96 Ms. Aiken said there are examples of eco industrial parks that have been developed  
97 within the United States although there are not very many. It would be a big draw for  
98 many companies and individuals, and it would put Berlin Township on the map in a very  
99 positive way, in her opinion.

100

101 Ms. Aiken encouraged the BZC and members of the audience to consider eco-industrial  
102 parks as a possibility, and that would open the door to interesting ideas.

103

104 Paul Parsons, 3634 Curve Road, said he has not been involved with this from the  
105 beginning, but it has become clear that the township is going to do what they are going to  
106 do. The residents are voicing their opinion for something that may or may not happen in  
107 the future, depending on whether developers want to come in and do this.

108

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109 Mr. Parson said he did math calculations on a small section of R-14 and R-6 that runs  
110 along Curve Road and Old State Road. He removed the school district from the equation,  
111 and went parcel by parcel to break it down. The R-14 zone minus the school will be  
112 1847 new family units. The R-6 will have 1182 new family units. That is around 3000  
113 new dwelling units in those sections alone and that is a lot of people moving into a very  
114 small area. There is no infrastructure for that.

115

116 Mr. Parson asked the BZC to consider looking at mixed use industrial parks around  
117 Central Ohio. He asked whether any of those look good in 10 years? In 20 years? Ninety  
118 percent of them have become “holes.” It is the right of property owners to sell their land  
119 to get the most money they can, but the township needs to take responsibility for what  
120 will be built there.

121 Mr. Parsons said he would like to submit NAICS codes of environmentally sensitive  
122 industries that the federal government identifies, and asked that they be removed from the  
123 potential uses.

124

125 Rick Gemienhardt, 881 Africa Road, said he has been a township resident for many  
126 years. He agrees with Mr. Parsons and feels that this is an uphill battle. He said the  
127 record is woefully inconsistent with incomplete statements. He presented the following  
128 into the record.

129

130 Faults and Concerns of the current “Cloud Legislation”

131

132 1. Citizen right to referendum is eliminated. Ohio Revised Code balances the rights  
133 of a landowner to change their underlying land use at the same time permitting  
134 neighbors and concerned third parties to put such action(s) to a vote. The “Cloud”  
135 process results in irrefutable harm to our democracy by eliminating our right to  
136 choose.

137

138 2. False claims the “Cloud” has worked well. This controversial, seldom used re-  
139 zoning is intended to be used to promote economic activity in small, blighted and  
140 challenged neighborhoods. The Historic Village of Cheshire is Berlin’s only  
141 “Cloud” implemented district. I was at those meetings. The intent was to help  
142 ALL businesses within the Village by easing restrictions the Township code had  
143 regarding permitted signs, advertising, lights etc. at one time. It can be argued this  
144 2,000 acre district fails to meet the Ohio Revise Code’s intentions.

145

146 3. Failure to provide documented, third party verification/certification of the  
147 financial impacts of the existing Cloud proposal. Rather than media talking points  
148 of how these abatements, TIF’s and enterprise zones will help the county pay for  
149 their infrastructure improvements, we have seen nothing that addresses the pool of  
150 property tax dollars that will be lost to the township via these abatements.  
151 Additionally there has been no County Auditor, School superintendent or Reginal  
152 Planning Commission confirmations as to the revenue/costs impacts. What would  
153 be the cost for increased EMS, Fire and Police activity in 14 unit per acre  
154 apartments? Who would have to pay for a +1.5 million dollar fire ladder unit  
155 needed to safe guard 60 foot story buildings? Expensive Township road repairs  
156 and snow removal has been ignored as well.

157

158 4. An incomplete claim being propagated by the County Economic Development  
159 representative(s) is the creation of a JEDD to help offset the township loss of  
160 property tax revenues. The May 29, 2019 BZC minutes fail to reflect a JEDD  
161 would require ballot approval and not just a simple, township resolution. Our  
162 history with a township JEDD failed miserably at the ballot several years ago.

163

164 Suggestions for improvements-2,000 acre “cloud” district

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- 165 1. Must preserve Referendum rights on majority of land use within “cloud” district.  
166 2,000 acres of pre-zoned, untested, industry code-based land use changes are  
167 potentially detrimental to the health and well being of current residents.  
168
- 169 2. If there is an absolute, verifiable need to pre-zone and “Float a Cloud” it should  
170 ONLY be done to create devil strips along the west and east township boundaries.  
171 Devil strips are properties that abut up to municipal and city lands.  
172
- 173 3. Annexation cannot occur unless land(s) are contiguous and touching city  
174 properties.  
175
- 176 4. ALL transitional residential areas from the corridor must be more detailed and  
177 with more residential input. This should be done by following through on the  
178 updating of the comprehensive land use plan which was discussed in the Spring,  
179 2018 newsletter. Just “Because the City of X offers 10 units” is not an accepted  
180 underlying rationale for these Cloud proposals.  
181
- 182 5. Outside of the “devil strip” areas, we should continue to adhere to our  
183 comprehensive Land Use Plan of 700 to 1,200 ft depths of commercial and  
184 industrial zoning along Rt 36/37. Greenwood Commons, which is situated on a  
185 1,200 setback, provides a point of reference of what this would look like. It is  
186 unconscionable to suggest we need or want 2,500 feet on Dunham Road.  
187
- 188 6. Understand the goals and objectives of the competing parties. The County  
189 Economic Group see’s this map as a canvass to maximizing revenues for their  
190 infrastructure improvements. They are not land use planners. Their goals of  
191 financing expanded sewer service and their financial commitment to the  
192 interchange improvements have been brought to light.  
193
- 194 7. Get it right. Trustee Bullard at their hearing on 10.28.19 noted “ A JEDD (ie.  
195 financing mechanism for townships) cannot be created without a cloud”. This  
196 statement is patently untrue. A JEDD is a contract between a municipality and a  
197 township and must be voted by both communities. The territory is defined within  
198 the contract.  
199

200 Mr. Platte said that a JEDD is not a function of zoning, so it has not been included in  
201 these applications. The township trustees would take separate action to put that in place,  
202 and that would capture additional tax revenue specific to the properties located within the  
203 JEDD for the township’s general fund. It would require multiple resolutions and hearings  
204 by the trustees. He said his office will be making a proposal to the trustees to grant a  
205 JEDD on this project. All development within this property would be subject to that  
206 income tax. Subject to the income tax would be employees, the businesses, net business  
207 profits, and the people living in the multi-family areas if the trustees move forward on the  
208 JEDD proposal.  
209

210 Mr. Platte said regarding the need for additional fire trucks, when a 60’ building is  
211 brought into a township, it is likely that a ladder truck will need to be purchased. He does  
212 not doubt the quoted purchase price of \$1.5 million to purchase a ladder truck. The  
213 JEDD revenues will go into the township general fund, to be used however they want.  
214 He strongly recommended that the trustees set aside money from the JEDD to purchase  
215 those kinds of things. The purpose of a JEDD is to create revenues to support the  
216 properties in the district.  
217

218 Herb Kaiser, 3712 Curve Road, said he is under the impression that the Delaware County  
219 Economic Development department is pushing for this. Ms. Korleski said this is a  
220 collective project between that department and the township trustees to try to get a tax  
221 base for the township.  
222

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223 Mr. Kaiser asked that the recommendations of the Comprehensive Land Use Plan  
224 (CLUP) be followed.

225

226 Mr. Kaiser asked what the BZC would do if the overlay applications were turned down.  
227 He noted that the application is subject to referendum. He asked whether the BZC has a  
228 backup plan. Ms. Korleski said this will go to the trustees for their final decision, and  
229 after that the residents will have the opportunity for a referendum. Mr. Kaiser asked  
230 whether the township would attempt to modify the applications and try again. Ms.  
231 Korleski said there is no backup plan and they are hoping something will come of this  
232 because the township does need a tax base. The backup plan would be to start over  
233 again. She said the properties could then be annexed by Delaware or Sunbury.

234

235 Mr. Kaiser asked Mr. Lamb what the mission statement of his department was. Mr.  
236 Lamb said he did not have it memorized word for word but he could look it up.

237

238 *“Delaware County Economic Development is a resource for business, they*  
239 *provide assistance with strategic planning, site selection, marketing, business*  
240 *retention, and expansion services. Its goal is to promote smart and strategic*  
241 *growth that will protect and enhance the quality of life that their residents and*  
242 *business owner value so highly.”*

243

244 Mr. Kaiser asked what aspect of this project enhances the quality of life of Berlin  
245 Township residents. Mr. Lamb said that without a doubt, this proposal enhances the  
246 quality of life by diversifying the tax base. Mr. Kaiser said it did not with high densities  
247 of the R-6 and R-14. Mr. Lamb disagreed.

248

249 Mr. Kaiser asked why Mr. Lamb supports the R-14 development. Mr. Lamb said it is  
250 because that is what he is seeing from a market condition standpoint, and it allows for  
251 projects to go forward to build amenities with those projects that will help enhance the  
252 quality of those projects while providing the tax base that can be used to build  
253 infrastructure.

254

255 Mr. Kaiser said he thought he heard at the first meeting that Mr. Lamb stated that he likes  
256 the R-14 because all of the contractors made money. He asked whether that was correct.  
257 Mr. Lamb said “absolutely not.”

258

259 Joe Korleski, 3585 Greenville Drive, said he doesn’t own any land here, but he wanted to  
260 say that everybody here is voting with their pocketbook. He doesn’t blame them for that,  
261 but they are not thinking about the consequences for doing that. Annexation is a real  
262 threat, and if the property is annexed, it will be subject to income tax. This area is not  
263 going to stay the same, he said. The parts of the property that were of environmental  
264 concern to residents will be protected by the EPA. He said progress will come and  
265 people should not be afraid of it.

266

267 James Brenza, 2636 Curve Road, said the industrial overlay, Section 19.06 b), application  
268 for development plan, changed to indicate that “the zoning commission shall request that  
269 the DCRPC input on everything.” It used to state “may.” Mr. Brenza said the hooks are  
270 getting deeper and they are involved in everything. He asked that it be removed so that  
271 Berlin Township remains managed by Berlin Township.

272

273 Mr. Platte said it is correct that “may” was changed to “shall” because he believes that  
274 when a development plan comes before the BZC, they should have the ability to have that  
275 plan reviewed by certified planners and make a recommendation, just like any other  
276 application that comes before the BZC. State law requires that all rezoning applications  
277 are reviewed by the DCRPC for that purpose. The BZC and the trustees would thus  
278 receive a recommendation from people who work in that field who will be able to take a  
279 look at that.

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280

281 Mr. Brenza said in the commercial overlay, Section 15.06 b) includes the same text  
282 change.

283

284 Mr. Brenza said that the financial analysis Mr. Lamb did on the NAICS codes was deeply  
285 flawed. He said Mr. Lamb indicated that the commercial tax base is 4 times the industrial  
286 tax base. He asked that the industrial uses be removed. He is fine with a business park  
287 with commercial uses. There is no need for industrial developments, which will cause  
288 more disruption to the residents, and result in less revenue than commercial  
289 developments.

290

291 Mr. Brenza said regarding R-14 and R-6, Mr. Lamb's analysis claims the housing density  
292 has been greatly reduced from .8 children to .3 units. He said high density housing is not  
293 necessary. He said Gene Cottrill is trying to build quality housing along Curve Road  
294 starting at \$350,000 to \$750,000. Low density, high quality works for Berlin Township.  
295 R-14 is great for downtown Delaware.

296

297

Commission Consideration

298

299 Ms. Kaplan said she sees pros and cons to this proposal. Overall, Berlin Township does  
300 need a tax base. The interchange area is highly valuable and desirable and something  
301 will happen here no matter what, so Berlin Township needs to control it. That said, this  
302 is a huge project and it is a lot to decide on. If the property is annexed, they may not lose  
303 their right to referendum, but the momentum is lost and it will no longer be just Berlin  
304 Township residents who will have a say over it. She is all for the right to referendum, but  
305 annexation takes away much more power from Berlin Township residents.

306

307 Ms. Kaplan said she has great concerns about the building heights and the high density.  
308 She feels there should be a compromise. She hears the residents on Plunkett Road, which  
309 is established low-density housing, and she would like to see a solution to that.

310

311 Mr. Valentine said regarding the threat of annexation, on the way here he saw a high rise  
312 being built near the Kroger distribution center. He would not want to look at that every  
313 day. He said the density is too high, and 14 units adjacent to FR-1 doesn't make a lot of  
314 sense. He said additional buffering should be provided of at least several hundred feet  
315 between the proposal and the existing residential uses.

316

317 Mr. Valentine said the handout provided by Mr. Lamb that included potential  
318 development seemed to have discrepancies. Mr. Lamb said the cost per student at  
319 Olentangy is around \$11,000. The density is 2.6 units was chosen because it is similar to  
320 Berlin Meadows which was just approved at around 2.35 units/acre, and other area  
321 developments. 1000 acres was used as well. He said the numbers did not come from his  
322 department, but from Montrose Group, who put together the economic analysis. Mr.  
323 Valentine said he multiplied \$11,000 times 5,200 the number of students, which was  
324 around \$57 million. Mr. Lamb said there are 1.8 school aged children per house times  
325 1000 acres. He said the economic analysis shows about \$1.2 billion is what the economic  
326 shows, with \$400 million coming in as tax revenue, reducing the deficit to \$800,000,000.

327

328 Mr. Valentine said this is a good start, but he doesn't think it is the end. He did not want  
329 to give up the CLUP. In 2009 he went door to door to get input from residents for the  
330 CLUP. 10 years later, everything has changed and he doesn't agree on it. Mr. Lamb  
331 noted that any vote can be contingent upon lower densities.

332

333 Ms. Korleski said this will be important to the township for the tax base and for growth.  
334 She knows things will change, and a better tax base is necessary. She said people are  
335 being redundant in their statements. She knows some of the residents will be hurt,  
336 including on Plunkett Road, but for the good of everybody else, sometimes change must

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337 be made. For the good of the township, something needs to be done. Her personal  
338 opinion is to put it in the hands of the trustees. At this point, they have been talking  
339 about the same things for over four meetings

340

341 Mr. Johnson said he is in a difficult spot; he understands and appreciates the protection of  
342 value of property. However, that must be balanced with the fact that these property  
343 owners have rights as well. Nothing that has been proposed violates the zoning  
344 resolution. The BZC tries to find an acceptable balance, which is not always easy, and  
345 everybody isn't always happy. The annexation issue continues to come up and it is a  
346 foregone conclusion that if the township doesn't come up with a protective plan,  
347 annexation is inevitable. However, he does not like to make decisions out of fear.

348

349 Mr. Johnson said there are benefits to the township to this plan that include the expansion  
350 of the industrial and commercial tax base. There are challenges that come with every  
351 subdivision to the school system and the local property owners. He comes back to the  
352 core tenets this BZC has used to handle all of their rezonings, including transitions such  
353 as the abruptness of the transition to the adjacent properties. It is also about leveraging  
354 open space so it enhances and improves the community, as well as balancing the benefits  
355 of the tax incentives. This commission is not empowered to make a decision about what  
356 this overlay will be. Their entire deliberation is a filter process so that they can provide  
357 something to the trustees that helps their deliberations and decision. It is ultimately up to  
358 the trustees, who can accept their recommendation, modify it, or deny it.

359

360 Mr. Johnson said he appreciates the residents coming out. He wishes the BZC had more  
361 control, but they do not. This is not a radical transition of densities from general FR-1 to  
362 14 units per acre, but a transition from existing 1-5 acre single family residential  
363 properties immediately to high density R14 – R16. That situation has been an issue with  
364 PRD applications in the past, and they have pushed back hard. He believes the BZC  
365 should hold these applications to the same accountability as other developments.

366

367 Mr. Johnson said he understands that Mr. Lamb and Mr. Platte have been put in a  
368 difficult situation and thanked them for all of their time. He said the primary issues he  
369 has are that they are proposing an immediate and dramatic change in densities among the  
370 residential borders. He believes the same number of units in the economic analysis can  
371 still be obtained without driving high density residential development from Route 36 all  
372 the way down to the western property boundary. He believes there is a middle ground.

373

374 Mr. Johnson said he has an issue with the fact that with the changes that have been made,  
375 the overall strategy of the plan has not changed. He believes some standard residential  
376 development can provide transition from FR-1, R-4 or R-3 down to a higher density. The  
377 higher densities may be necessary due to the potential annexation. However, the plan  
378 that continues to be presented is an all or nothing scenario. There must be a middle  
379 ground to help protect the residents who have put a lot of time and money into their  
380 residences.

381

382 Mr. Platte said there is an existing FR-1 being taken to a 14 units/acre density. That is a  
383 buffer against light industrial so that large lot single family homes are not built  
384 immediately against light industrial. The point was to use a multi-family product that  
385 will create commercial property taxes to use as a buffer. Single family residential causes  
386 additional taxes. Mr. Platte said the township also has a TPUD zoning district. This is an  
387 overlay under ORC 519.021 c). If other zoning districts are to be incorporated, that  
388 should have been done in the very beginning in May when this was started. He said his  
389 department feels it makes the most sense the way it is presented.

390

391 Mr. Platte said if the density were to be 10 units/acre, it would not generate the same tax  
392 revenue, and the developer won't have the revenue to put in the amenities the township  
393 wants to see such as agrihoods, etc. It will end up being apartments and vinyl siding. He

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394 looks at market demand, what makes the most sense to generate revenue, and the best  
395 place to have the buffer, which is why he supports the R-14 and R-6.

396

397 Mr. Johnson said he has an issue with open space as well. The economic analysis  
398 discusses all the money being brought into the township and there will be money to do  
399 bike trails and parks. He asked where the bike trails and parks were. The architectural  
400 design review board will not review those items. He would like to see additional  
401 language in the text regarding securing open space for actual community use.

402

403 Mr. Johnson said the commercial and industrial areas as written allow up to 80% of those  
404 properties to be covered by impermeable surfaces, which will be concrete. The open  
405 space is 20%, which will also contain all the rainwater and retention areas. The ability to  
406 build parks and trails will be significantly impacted by the fact that they will be allowed  
407 to blanket the property in concrete. He would like the plan to show that parks and trails  
408 can be built and that some of the revenue will be put towards that. He didn't see anything  
409 with the plan showing a developer could even consider that.

410

411 Mr. Platte said that the open space is 20%, and the township zoning resolution only  
412 requires 10%. He said that land cannot be zoned as open space by itself. He said the  
413 design standards should be put into place, and that would include where the trails and  
414 parks will be located, the quantity, and their location. That could include a 20/40/60 acre  
415 park. Open space is done through setting aside a minimum requirement in the text and  
416 letting the design criteria control what will happen.

417

418 Mr. Johnson said he would like to find a way to adjust the procedure where the BZC  
419 receives the revised plan and text just 5 minutes prior to the public discussion. He would  
420 like to receive these materials to allow BZC members their typical time for review.

421

422 Mr. Johnson said there are still many heavy manufacturing uses in the light industrial  
423 areas and he would like to see those uses trimmed down.

424

425 Mr. Bardash said the township is in a tough situation. Meeting after meeting has been  
426 held, and some kind of decision needs to be made. The property owners want to develop  
427 their land, and if the township doesn't accommodate them, they will annex their property.  
428 He said the 14 units per acre density is too high. He would also like to see some  
429 stepdown zoning between residential uses and the proposed uses.

430

431 Mr. Bardash said he believes this all came about because the trustees requested this  
432 overlay in order to protect this acreage and keep it within Berlin Township, and the BZC  
433 has been working with the Delaware County Economic Development Department. The  
434 BZC will provide their recommendation to the trustees, who will make the final decision.  
435 He believes there is still some work to be done.

436

437 Cathy Rippel, 3271 Cheshire Road, said there are three trustees. This plan affects one  
438 trustee to the west, and it affects one trustee to the east. She asked whether each trustee  
439 would need to recuse themselves for the part of the overlay that directly affects them.  
440 She asked what would happen if one trustee recused himself and the vote was 1 for, 1  
441 against, and whether that would pass.

442

443 Marti Davis, 1950 Lackey Old State Road, said at the first meeting on the overlay, it was  
444 discussed that something needs to be done. She did not understand why the overlay  
445 needs to have industrial development. There are ways to make industrial uses look really  
446 nice instead of just concrete, and she has provided pictures of that to the township. She  
447 said it also does not need to be high density, and the height of buildings should have  
448 restrictions so that the existing single-family homes aren't harmed. She believes there is a  
449 way to accomplish what needs to be done for the tax base but that actually looks nice.  
450 The proposal will affect many residences.



**BERLIN TOWNSHIP ZONING COMMISSION (BZC)**

*OF DELAWARE COUNTY, OHIO*

**SPECIAL MEETING**

**THURSDAY, OCTOBER 17, 2019 7:00 PM**

451 Mr. Platte said that annexation has been brought up a lot. It is not a threat or scare tactic;  
452 it is reality. His office was asked to put together a proposal that would help bolster tax  
453 revenue and protect the property in the township. Annexation is a reality.

454  
455 Mr. Platte agrees that this 2000 acre development is a huge undertaking, and the drive for  
456 that is so that a master plan for the development can be done. To zone that amount of  
457 land parcel by parcel, there will be no continuity or shared storm water, and it will be a  
458 mess. The concept is to look at this holistically as a master plan so it can all work  
459 together.

460  
461 Mr. Platte thanked Ms. Davis for her emails, including her reference to Norton Commons  
462 in Louisville. The residents have brought many important details and criteria that should  
463 be included in this development. The land has to be zoned for the uses prior to moving  
464 forward on design criteria. He recommends to the trustees that an architectural design  
465 review board be put into place, and that NBBJ be used to help create the criteria. That is  
466 the time for all of these details to be put into place. The zoning cloud overlay simply  
467 provides optional uses for the property.

468  
469 Mr. Platte said all in all, the text document captures most of the concerns that have been  
470 received via phone calls, emails, and other input, and the maps reflect the uses as an  
471 overlay that his department feels is best for that area.

472  
473 Mr. Platte said regarding a referendum, the overlay does not replace the existing zoning.  
474 The purple area includes the professional, retail, and office uses, as well as the only  
475 manufacturing area being proposed here. The underlying zoning remains the same.

476  
477 Mr. Platte said at the completion of this process, the application will be subject to  
478 referendum, so this is the time to provide input.

479  
480 Ms. Korleski asked Mr. Platte to address the question regarding the voting of the trustees.  
481 Mr. Platte said for recusal or abstention of a BZC member or a trustee, if that person  
482 decides that they have a conflict or they have been advised by the prosecutor's office to  
483 recuse themselves, they would recuse themselves. This has been proposed as a  
484 BIO/BCO. There cannot be a vote of just one trustee, so at least 2 would be required as a  
485 majority to make any decision.

486  
487 Larry Harmon, 3931 Africa Road, said he lives further south from this. It seems that the  
488 main concerns are from residents on Curve and Plunkett Roads. He asked whether  
489 zoning is done per parcel or whether multiple zonings can be done on a single parcel. He  
490 asked why a line couldn't be drawn and, for example, housing could become denser  
491 along the first half mile away from Curve Road. He said perhaps more residential could  
492 be provided around the Plunkett Road area to provide more buffering. A female voice  
493 stated that she already tried that and she got nowhere. Mr. Harmon said there should be  
494 some compromise.

495  
496 Ms. Korleski suggested making some of the purple area against Plunkett Road  
497 commercial rather than light industrial. She said green space, parks, and walking paths  
498 would be part of the architectural design board.

499  
500 Ms. Kaplan said that Section 19.5 of the text discusses required open space for the  
501 industrial area and said that was changed to 20%. In Section 15.29, the common open  
502 space for the commercial areas is only 10%.

503  
504 Ms. Korleski said it seems that another meeting will be necessary to make changes  
505 especially to the Plunkett and Curve Road areas. Mr. Lamb said he could make the  
506 changes. However, any densities suggested lower than the standard may not meet the  
507 original request of the trustees. He is trying to meet the request of the trustees, but if that

**BERLIN TOWNSHIP ZONING COMMISSION (BZC)**

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508 is something the BZC wants, he will make the stipulation that at this point, he does not  
509 feel he is directly adhering to the initial directions from the trustees.

510  
511 Ms. Korleski asked whether he was saying the trustees were responsible for the positions  
512 presented. Mr. Lamb said the trustees asked his office to develop a plan that met the  
513 fiscal needs of the community, that diminished the chance of property owners choosing to  
514 leave the township, that created an economic base, and the ability to take care of the  
515 infrastructure and the community partners including schools and fire. The presented  
516 numbers achieve that, but as that has been now reduced, he is less inclined to tell the  
517 trustees that those future needs would be met. He is fine with making the requested  
518 changes, as long as the BZC and trustees understand that his office has backed off from  
519 what the original request from the trustees was.

520  
521 Ms. Kaplan said regarding the Plunkett and Curve Road areas, the needs of the residents  
522 must be balanced. She asked how large those areas are. Mr. Lamb said he can pull that  
523 information and share it with her. Ms. Kaplan said she believes everybody wants to meet  
524 these objectives and that they see the importance of it, but there should be compromise.

525  
526 A female voice asked whether, regarding Plunkett Road, is there a way to step down the  
527 building height and density of concrete around Plunkett Road and the residential areas?  
528 She heard what Mr. Lamb said regarding the original plan and what is economically  
529 feasible. However, building height, concentration and lighting should be stepped down  
530 in the far western purple area on either side of the strip. It doesn't have to be residential,  
531 but she is worried about having a factory in her back yard.

532  
533 Mr. Platte said open space cannot be zoned by itself. However, when a development plan  
534 comes in, the architectural design review board can require that 20% of the acreage must  
535 be open space with certain requirements such as mounding, trees, etc. The development  
536 plan would be approved dictating where those items are located on the parcel. Building  
537 height can be dictated via zoning or the design review board.

538 Mr. Bardash asked whether the eco business park would be governed by the design  
539 review board. Mr. Platte said it could be. Mr. Bardash asked whether the removal of the  
540 622210 psychiatric and substance abuse hospital was due to a suggestion made to him.  
541 Mr. Platte said that was due to an email that was received.

542  
543 Mr. Bardash said regarding the modified applications not meeting the objectives of the  
544 trustees, the trustees can modify the applications as they see fit. At least the BZC has  
545 listened to everyone and tried to accommodate them on their end.

546  
547 Ms. Korleski said she would like changes to be made and the revised documents provided  
548 back to the BZC in a timely fashion. She said the changes all need to be provided in the  
549 text and plan so a clean copy is provided in advance for BZC review. Mr. Lamb said he  
550 would provide everything by 10/24/19.

551 **RESOLUTION 2019.10.17 #A: TABLE & CONTINUE BZC 19-004 & BZC 19-005 TO**  
552 **OCTOBER 29, 2019 AT 7:00 PM AT THE BERLIN TOWNSHIP HALL**

553 Ms. Korleski made a motion to table and continue BZC 19-004 and 19-005 to October  
554 29, 2019 at 7:00PM at Berlin Township Hall. Mr. Bardash seconded the motion.  
555 Vote: Korleski, yes; Bardash, yes; Valentine, yes; Kaplan, yes; Johnson, yes.

556  
557 There was no further business to come before the Commission. Motion to adjourn.  
558 Meeting adjourned.

559  
560  
561 \_\_\_\_\_  
562 Toni Korleski, Chairperson

**BERLIN TOWNSHIP ZONING COMMISSION (BZC)**

*OF DELAWARE COUNTY, OHIO*

**SPECIAL MEETING**

**THURSDAY, OCTOBER 17, 2019 7:00 PM**

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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, 1<sup>st</sup> alternate member

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Ray Armstrong, 2<sup>nd</sup> alternate member

Attest: \_\_\_\_\_  
Lisa F. Knapp, Berlin Township Zoning Clerk