

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

SPECIAL MEETING

THURSDAY, OCTOBER 3, 2019 7:30 PM

1 This meeting was held at Grace Point Church, 2393 Peachblow Road, Lewis Center, Ohio
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: Steve Flaherty, BZC 1st alternate member; Ray Armstrong, BZC 2nd
13 alternate member; Zoning Inspector David Loveless; Zoning Clerk Lisa Knapp; Zoning
14 Secretary Cathy Rippel.

15
16 Ms. Korleski read the adopted BZC policy statement as printed in the agenda.

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

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

25
26 Ms. Korleski said that Bob Lamb, Delaware County Economic Development Director,
27 and Rob Platte, Delaware County Economic Development Administrator, were here to
28 present and review the changes to the parcel map and uses map that were made due to
29 input from the residents. Ms. Korleski said Mr. Platte will follow that up with a review of
30 the changes that were made to the text documents to reflect concerns and input from the
31 residents.

32
33 Mr. Lamb thanked the meeting attendees for coming tonight and for all their effort and
34 feedback into the project. Reviewed will be the changes that were made from the last
35 public meeting, as well as the neighborhood meetings that have occurred.

36 Mr. Platte thanked the meeting attendees for their input. This process started with a
37 conceptual map in April that went to the BZC for review, then was sent to the Delaware
38 County Regional Planning Commission in June. Since then, there have been a number of
39 changes. He feels that the revised map covers as much of the input received as possible
40 to address concerns.

41
42 Mr. Platte displayed a map that he completed last night and he sent it out last night
43 around 9:00 PM. He followed up today with changes to the text, which was completed at
44 3:30 PM. It has not been posted to the township website yet and he is aware that nobody
45 has had a chance to review it, including the BZC, so he will review it tonight and it will
46 be on the township website tomorrow.

47
48 Mr. Platte said there had been a 150' buffer/setback against existing residential uses for
49 building and parking, which exceeded the code. That has been maintained in this plan
50 and it will remain for all parcels that were not included in this map

51
52 Mr. Platte said concern had been expressed about light manufacturing uses, so he
53 addressed it by taking a hard look at the NAICS codes, and removed the ones that made
54 sense to remove such as rubber and plastic manufacturing uses. For the remaining uses,
55 an additional 100' setback would be added, for a total of 250' setback. Those are
56 included in the light industrial manufacturing area, which is shown in purple. That is the
57 only area manufacturing uses will be included, and it has been reduced on the south side

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58 of 36/37 from around 760 acres to 400 acres. On the north side it has been reduced from
59 410 acres to 120 acres. That is reflected on the first document and in the BZC packet.

60
61 Mr. Platte said a significant change was made to the top as well. The original map
62 included a light blue area and an area across the top that included light manufacturing
63 uses. He said that significantly moves manufacturing uses down, in addition to removing
64 the uses of concern.

65
66 Mr. Platte said the blue area has been backfilled with professional research/office-type
67 uses, and a logistics area was included below that. On the south side there had been light
68 manufacturing and commercial, residential and multifamily uses. The manufacturing
69 type uses have been removed from that area altogether. A request had been made for
70 stepdown zoning instead of going from light manufacturing uses right into the existing
71 single family area. He said the R-14 area has residential only with 13 units/acre, and it
72 has now been concentrated in that area. The blue area was backfilled with professional
73 research uses, and a logistics area was located right below that. There is an area in the
74 southwest portion that is owned by Olentangy Local Schools and planned for a school,
75 and he is trying to hub the residential uses towards that.

76
77 Mr. Platte said he had considered putting commercial office/professional uses in there,
78 but ended up pushing it over so it would be on the south end to buffer the residential
79 areas and also the school site. Mr. Platte said there will be condos at 6 units/acre as a
80 buffer, and they will be only single story with a maximum building height, all reflected in
81 the text. These will be condos with shared walls and 4 units per building. That will
82 generate commercial tax revenue as opposed to single family homes. The existing
83 requirement for condos is 4 units per acre. He wanted to get as many tax dollars as
84 possible, which is why the R-6 area is located in that area.

85
86 Mr. Platte said the R-6 area along the bottom originally had commercial uses. He pointed
87 out the main focus of commercial retail and said he had pushed it closer to 36/37. The
88 red represents commercial and office uses. Below that are residences and vacant
89 properties. There will be single story condos only with no commercial, office or retail
90 uses proposed for that area.

91
92 Mr. Platte said there is commercial and retail at 14 units/acre on the east side. Because
93 that is at the eastern border of the townships, it is known that those types of uses will go
94 there no matter what happens in the future, so that was added.

95
96 Mr. Platte said additional uses were added in the south area and other areas that he
97 pointed out on the map. He said to the north, the commercial areas were maintained, and
98 the dark blue area is professional/research/office-type uses. Near that is logistics. The
99 purple area is light industrial/manufacturing. The text encompasses everything except
100 residential uses. That is important because the employees of light manufacturing uses
101 will want a store nearby. He did not want to limit it only to manufacturing because this is
102 overlay zoning and option zoning and should not be limited only to manufacturing. The
103 purple area will most likely not all be manufacturing areas, but a mixed use area.

104
105 Mr. Platte said he has been upfront and clear with everybody, and he and Mr. Lamb will
106 meet with anybody who wants to discuss the plans. He has had many phone calls and
107 emails; everything that has been emailed has been forwarded onto the BZC and the
108 township for the record and it was used to address the plan.

109
110 Mr. Platte said regarding the NAICS codes, the plastics and rubber has been addressed.
111 The cement and concrete product manufacturing was originally in the proposal in the
112 light industrial area, but it was removed. The line of gypsum products was removed
113 because it included mining.

114

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115 Mr. Platte said it was suggested at the last meeting that the NAICS codes should be more
116 specific and those have been included. Generally in township zoning, the codes include 4
117 digits because it includes everything below that unless something is specifically removed.
118 He reviewed the text documents for the west and east overlays, then he took everything
119 out to 6 digits, which is as far as a NAICS code can be taken out. It is extremely specific
120 and will indicate exactly what uses can be located in what areas. The document has been
121 increased from 7-8 pages to much longer because it now has 20 pages of specific codes.

122
123 Mr. Platte said added to the light blue area were some emergency services under the 62
124 codes.

125
126 Mr. Platte said he recently had four meetings with residents on September 12 and 16 and
127 that information has been listed on page 2 of the document. Those groups submitted
128 written input and that has been forwarded to the BZC. Also being created is a frequently
129 asked questions documents that will be placed on the township website.

130
131 Mr. Platte said there are two text documents and he would only address one of them
132 because they are very similar. This has been addressed as an industrial overlay on the
133 western part, west of Lackey Old State. The commercial overlay is on the eastern part.

134
135 Mr. Platte said the BZC received the original text document and asked to track the
136 changes to the document, and he has provided both the documents that were reviewed by
137 the DCPRC and included the NAICS codes and a redline version of the documents.

138
139 Mr. Platte asked the BZC to turn to the PCD document, page 15-24, Article 15 which
140 includes the commercial overlay, and page 24 which includes the residential changes in
141 the R-6 and R-14 creating the stepdown, and the height limits have been included for the
142 buildings. At the bottom of the document, letter F was removed because it included
143 promoters of performing arts and outdoor venues, etc. because it is already addressed in
144 the NAICS codes.

145
146 Mr. Platte said there are many NAICS codes because the original effort included all of
147 the codes from the zoning resolution. Many items were removed and 6-digit codes were
148 included so it is very clear what uses are permitted.

149
150 Mr. Platte said the design standards for both districts will meet the existing standards in
151 the zoning resolution, and the development will be subject to that. That includes
152 specifics such as landscaping, lighting, parking, etc. which are already in the zoning
153 resolution. However, it will also go above and beyond with the architectural design
154 review board, which will include other specific language. Language was also added that
155 is more specific.

156
157 Mr. Platte said there are no manufacturing-type uses in the eastern overlay or the
158 commercial area. Manufacturing uses start with 31, 32, and 33, and the text calls for a
159 250' building and parking setback for existing residential uses. Mr. Platte said the
160 process in Section 15.06 and 19.06 has significant changes from the typical uses in the
161 Berlin Township Zoning Resolution.

162
163 Mr. Platte said the design standards will meet the existing standards in the zoning
164 resolution and the development will be subject to that. However, it will also go above
165 with the architectural design review board, which will supersede that. Mr. Platte said the
166 process for the western area has had significant changes from a one-step to a two-step
167 process. The development will go before the BZC and then the architectural review
168 board for approval, and then to the trustees for final consideration.

169
170 Mr. Platte said divergences were removed and can only be used in certain types of uses.
171 O21C includes zoning regulations that are in place as a cloud. Developers cannot request

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172 changes and there are no avenues for divergences in this area, other than going to the
173 Board of Zoning Appeals. Mr. Platte said this protects the residents and provides the
174 trustees the ability to turn down a request.

175
176 Mr. Platte said the text does not allow the architectural design review board to address
177 details such as lighting, landscaping, pavement, roads and other areas that do not involve
178 structures or uses. Only true architecture design issues will be considered.

179
180 Mr. Platte said the modification process has changed significantly as well and it goes
181 back to the deviations concept mentioned earlier. He said it is very difficult to determine
182 what is a major or minor modification once a development plan has been submitted and
183 approved. He did not think the BZC or trustees would want to determine that, so it was
184 not included. If an applicant wants to deviate from the plan, they must go through the
185 BZC review and recommendation to the trustees without having to determine whether it
186 is minor or major.

187
188 Mr. Platte said he and Mr. Lamb have worked hard to address the concerns that have
189 been brought up. This plan positions the land to modify the tax base to create additional
190 tax revenue for the area and for the schools, unlike single-family development. It
191 provides the ability for the township to put rezonings in place and still have control over
192 the property.

193

194

Public Comment

195

196 Jill Simpson, 291 Plunkett Road said when she reviewed the new overlay proposal, the
197 first thing she noticed were the changes to the designation of the areas directly west of
198 South Old State Road and alongside Ranbridge Ravines. The residents spoke at the last
199 meeting regarding the reason they chose to build their homes in Berlin Township; they
200 stated they were their dream homes, and that they wanted to maintain a rural feel. It
201 appears that those arguments were favorably, because revisions were made and certain
202 uses were removed from that area including
203 professional/research/office/logistics/commercial, and they were replaced with residential
204 uses.

205

206 Ms. Simpson said the families of Plunkett Road have the same feelings; these are their
207 dream homes, and many of the residents have lived here 30+ years. They sought out
208 Berlin Township and value their country way of life as well; their homes and quality of
209 life are no less important than the residents who spoke at the last meeting. She said their
210 concerns are no less worthy of consideration than those residents who have already
211 influenced changes made to the plan to protect their investments and quality of life.

212

213 Ms. Simpson said the proposed 150', 200', and 250' buffer zones will not protect the
214 residents on Plunkett Road from a large trucking center or manufacturing enterprise. The
215 township speaks of green space and parks as being important in other applications, and
216 that should be a consideration here. She asked the BZC to consider what they would be
217 able to live with if their homes were located adjacent to the blue and purple areas like
218 their homes are.

219

220 Ms. Simpson said she was encouraged that residents were listened to and substantial
221 changes were made. She requested that equal consideration be given to all residents in
222 this process, specifically to residents of Plunkett Road. Their homes are geographically
223 further away from the 36/37 corridor than the homes on South Old State Road that have
224 now been protected. She asked that the uses be limited on the map, in the very top area
225 between the purple and blue.

226

227 Ms. Simpson said the map should be amended to eliminate uses such as possible trucking
228 centers or other enterprises that threaten other Berlin Township residents' quality of life.

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229 Amending these areas would demonstrate an unbiased commitment from the BZC, and
230 fairness to longtime Berlin Township residents. She is optimistic that they will act on
231 their concerns as faithfully as they did for the aforementioned residents.
232

233 Mr. Lamb said that equal consideration was given to all areas. They looked very deeply
234 into how the property could be positioned to stay within Berlin Township so the design
235 standards could remain in place and help to control the area. They looked at the potential
236 of annexation of the property and they felt these uses would help ensure that the property
237 would not be annexed and thus controlled by the design guidelines that were included.
238

239 Ms. Simpson asked for the same buffer of single-story condos around the Plunkett Road
240 homes. Mr. Lamb said he considered that very carefully and gave equal consideration to
241 everybody's comments. He said they felt that annexation is a very real possibility and
242 that the design guidelines should limit what can be developed in the future, and that this
243 was the best approach going forward.

244 Ms. Simpson asked whether there were height restrictions in areas A and B. Mr. Lamb
245 said there are design guidelines that restrict height, lighting, signage, landscaping etc.
246 The maximum height would be 60', which is 5 stories.
247

248 Ms. Simpson asked how the residential development was added to the aforementioned
249 areas but not to her area. Mr. Lamb said her area is in proximity to the area that was most
250 likely to be annexed to the city of Delaware. Ms. Simpson said they are 200' from the
251 city. Mr. Lamb said the city is adjacent and to the north, where the City has already
252 annexed property.
253

254 Christine Schneider, 4999 SR 37 East, asked whether the buffer area showed with a green
255 line would include a road. She asked that roads be excluded from that area due to the
256 proximity of residents and concerns with excessive traffic. Mr. Platte said they do not
257 know how the property will develop or where the roads will be located. The 150' barrier
258 in green excludes parking lots and buildings.
259

260 Ms. Schneider asked how a road could be excluded from the barrier. Mr. Platte said it
261 would need to be included in the architectural design standards. Ms. Schneider said a
262 road is not a barrier and is just an access to those other areas.
263

264 Mr. Platte said when a development plan comes in, the township BZC and trustees will
265 dictate that; if they don't want roads, they won't put them in. He said the 150' buffer is
266 intended to ensure that the building, parking and lighting areas are at least 200' from the
267 existing residential. The development plan will be subject to the architectural design
268 criteria.
269

270 Ms. Schneider said she thought residential areas were excluded from being annexed. Mr.
271 Flaherty said they would be annexed and it would not stop annexation. Ms. Schneider
272 said she thought it was stated at the last meeting that residential areas could not be
273 annexed. Mr. Flaherty said when a water or sewer district forms and they receive federal
274 funding, those customers can never be removed from that entity. That doesn't mean
275 that the land can't be annexed, but it is a deterrent. If that property was just residential, a
276 property owner almost certainly will annex to get a commercial or industrial use.
277

278 Amy Eiken said she has spoken to the BZC in the past, and she introduced the concept of
279 an agrihood a few months ago. An agrihood is a neighborhood built around a working
280 organic farm where houses are built and people want to live in that area because they
281 have a vested interest in that kind of lifestyle.
282

283 Ms. Eiken said her interest in these conversations is as a resident of Delaware, and as a
284 member of the family whose Berlin Township property deed was signed in 1839. She

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285 has a deeply vested interest to what happens in this area as it moves closer to the
286 inevitable development of the 36/37 corridor.

287

288 Ms. Eiken said change is the one constant that can be counted in appreciative use forums
289 where opinions and ideas are shared in the hopes they can influence the change that is
290 coming so it will be more positive than negative. She asked if the change could be
291 framed as something that is happening for the residents and not to them. In order to be
292 perceived as a “for,” it must deeply enhance the fabric of her community. To her, that
293 means it will be visually appealing, there will be large greenbelts that allow her to
294 navigate the area easily and safely when she is walking or biking. It means that she
295 knows that the companies and industries that have come to the area have a strict vetting
296 process so she knows they will be a good fit in the overall plan.

297

298 Ms. Eiken said that means the companies are interested and committed to being good
299 citizens, and contributing to her community in very tangible ways, not only to better
300 Berlin Township and the greater Delaware area, but also their world. Socially conscious
301 companies should be sought out. That means companies who build here have the
302 smallest carbon footprint possible, that the buildings are LEED certified, that there are
303 recycling programs readily available, and that they have done everything possible as a
304 township and area to ensure the safety and protection of the natural beauty and the waters
305 of the wetlands of Alum Creek. Nothing in the area should be allowed to put at risk the
306 beautiful water source of the state park.

307

308 Ms. Eiken asked the BZC, the trustees, and the others who are advisors and decision
309 makers in this process to do everything they legally can to put in place the strongest
310 environmental restrictions available. This is so Berlin Township can stand firm in its
311 message that they are open for business, but that they also care equally for their citizens
312 and for the land. Coming businesses must fit into their idea of what a good community is.

313

314 Ms. Eiken said the property owners are not ultimately the owners of this land but its
315 stewards. The current trend of developing quickly and haphazardly results in being
316 shortsighted, and is driven by the bottom line of the almighty dollar. She asked what this
317 landscape would look like 100 years, and why that was not being considered for future
318 generations. She said it is important, and is past time for that to be done and to not be so
319 short sighted. She encouraged people to think long term, to think green, and to think
320 outside the box. Delaware is on the map. She asked what would happen if Berlin
321 Township’s reputation became that of an innovative, entrepreneurial township, a place
322 that has beautifully married the demands for growth with the historical and natural
323 preservation, and it is socially and environmentally conscientious? Then it would feel
324 like this development is happening for her and not to her.

325

326 Ms. Eiken suggested the following:

327

- 328 • Develop some of the land as a solar farm.
- 329 • Streetscapes could have wide sidewalks, down lighting, trees and landscaping as
330 well as bus stops, bike racks and benches.
- 331 • Greenbelt parkways could separate any residential and education areas from
332 industrial and commercial areas. Homes should not be right up to those areas.
333 Included could be parkways, bike/running paths, playing fields etc. and could
334 incorporate the existing wetlands and woods.
- 335 • Parking lots made of permeable materials could minimize the heat effects of the
336 asphalt and the storm runoff.
- 337 • Building facades could be reminiscent of historical structures and gateways to
338 parks.
- 339 • There could be permanent year-round farmer’s markets and farm-to-table
340 restaurants that celebrate the agricultural history and richness of Berlin Township.

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- 341 • Standards could be instilled so that for every 5,000 SF of building, a company is
342 required to plant X numbers of trees on their property.
343

344 Ms. Eiken said this would help ensure that companies who are interested in locating here
345 have a great work culture and their community service is more than a donation. She said
346 abundance and creativity come in many forms, and she believes they are on the cusp of a
347 rich opportunity to create something unique and transformational. This development
348 does not have to be the “same old, same old.” While the intention is clear that township
349 leaders want the development to financially benefit the township, she believes and desires
350 that there are additional clear and meaningful solutions that will protect the long term
351 interests of the environment and the Berlin Township residents. She wants to feel much
352 more confident about this proposal.
353

354 Mr. Flaherty says he agrees, as the owner of a green, sustainability recycled plastic to
355 asphalt company, that is the type of steward that he looks to be when he locates in an
356 area. He has met with several residents who agree. The sustainability factor is not just a
357 trend but a way of life and should be considered. The township must be careful of what
358 they are permitted to do legally, so they cannot discriminate the types of businesses other
359 than the NAICS code limitations. However, that underlying tone can be set. If the
360 standards and barriers are set too high, the property will most likely be annexed to the
361 city. There is a balancing act.
362

363 Mr. Flaherty said he welcomed ideas of how this development can be made unique; it
364 doesn't need to be like all other business park or warehouse. What kind of identity can
365 be placed on this property that has a legacy in 50-100 years? He asked for examples of
366 existing developments that could be used to gauge the market and the interest from the
367 developer side, and perhaps an entity that could buy into this and then incorporate that as
368 part of their universal design.
369

370 Ms. Eiken suggested the Franklinton area. She said she is looking to convert her 75 acre
371 farm to be an entirely organic operation when her farmer retires. She is here for the long
372 run.
373

374 Mr. Lamb asked that Ms. Eiken's comments be added to the record and also the design
375 guidelines if the committee comes to fruition. He also asked that the best practices and
376 guidelines for developments from the health district such as green space, etc. be included.
377

378 Rick Gemienhardt, 881 Africa Road, asked whether all of the parcels in this proposal are
379 all within the county utility area, meaning that the county has pledged to provide water
380 and sewer to all these areas. Mr. Lamb said that all areas shown fall within the county
381 sanitary sewer service area. If development occurs, sanitary sewer services have been
382 positioned to meet that demand. He noted that the county does not control water, which
383 is controlled by Del-Co Water, a private co-op company. He has spoken with Del-Co
384 and they do have plans to increase service within this area to provide for the proposed
385 development.
386

387 Mr. Gemienhardt said he has heard the term many times “annexation” during these
388 hearings. If the county has already pledged to provide sewer service, why would
389 annexation be a threat? He felt it was unwarranted and a scare tactic. He said that would
390 be a voidance of a contract with Delaware.
391

392 Mr. Lamb said zoning is different than utility services; even if utility services are
393 available, zoning may not be, and a property owner may choose to annex for that reason.
394 Also, the simple act of annexation can remove the obligation from having to provide
395 sewer service. When a municipality annexes property, they agree as part of the process
396 to provide utilities that they control to that location. The county could enter into an
397 agreement with the municipality that they would continue to provide a utility service in

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398 that area following an annexation, which has happened in the past. Annexation does not
399 prevent one of the other from happening.

400

401 Mr. Gemienhardt said his impression is that a landowner can annex his land for future
402 uses with the need of water and sewer. If it is within this map, the county will provide
403 that eventually. He asked why a city would go in and void a contract with the county.

404 Mr. Lamb said the annexation doesn't void any sanitary sewer agreement that they
405 county has with a municipality. They can annex without voiding any agreement they
406 have with them. The annexation places the requirement on them to provide the utility
407 service unless the county chooses to enter into a contract for that.

408

409 Mr. Lamb asked if his question is, if there is already sewer and utilities, why would a
410 property owner annex. The number one reason that drives annexation is zoning; the
411 property owner wants to zone their property in a manner that the current jurisdiction will
412 not support so they annex to secure the zoning they want.

413

414 Mr. Gemienhardt said the consequence of this overlay zoning, because it is a rezoning
415 initiated by the township, would be the voidance of any referendum rights by citizens
416 when a future plan is considered. He asked for a yes or no answer. Mr. Lamb said "no."

417

418 Mr. Gemienhardt provided an example that if the overlay cloud was approved, and a
419 business comes in to pull the cloud down to develop a commercial use. The residents are
420 not happy with the proposed plan. May those citizens put together a referendum petition
421 to have that be decided by the general public? Mr. Lamb said if the plan is in accordance
422 with the approved overlay and it goes through the proper proposes, the answer is "no."

423

424 George McCabe 4941 SR 37 East, asked whether anybody has spent any time working
425 with the Delaware County Corp of Engineers to make these drawings available to them
426 for review. Mr. Lamb said these drawings have not been shared, and any development
427 project would need to go through their approval process prior to development.

428

429 Mr. McCabe said the Army Corp of Engineers requires greater setbacks than are shown.
430 The northern section of Hondros shows 150' but there is a water source that must be
431 protected. On the west side there is a section that is floodplain. Mr. Lamb said nothing
432 shown on this map will supersede Army Corp of Engineers or EPA regulations regarding
433 how a watershed or other areas need to be maintained.

434

435 Mr. McCabe said the requirements could derail potential developments, and the water
436 will be affected. He suggested that the Corp be involved now. Mr. Flaherty said this is
437 no different than the streams and water flow requirements during the regular zoning
438 process. Typically the potential buyers do not acquire the property prior to that. He
439 noted it is difficult to get the Corp to weigh in prior to an application being submitted.

440

441 Angela Simpson, 291 Hauk Road, said that area B it mentions logistics such as trucking
442 and fulfillment, and that is also included in areas B, D, and A. She asked what is special
443 about area D and why that small parcel of land is included. Mr. Platte said that it was
444 recommended as commercial because it is along 36/37 and there will probably be some
445 sort of retail-type use. She noted that in the Hondros area, they attempted to clear it out
446 to improve drainage, but the Corp would not allow it.

447

448 Mr. Platte said zoning involves possible uses of a property. It does not supersede the
449 EPA and Corp requirements. A 150' buffer was included along the northern part of Big
450 Run to ensure there is nobody closer than that. However, the Corp may require a much
451 larger buffer.

452

453 James Brenza, 3626 Curve Road, said earlier it was stated that annexation is coming in
454 on both sides and he asked that be clarified. Mr. Platte said it is the eastern area CR-14.

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455 He has proposed this area as 14 units as apartments with commercial mixed in because it
456 is right along the eastern border of Sunbury, and there are similar uses proposed on the
457 other side of the annexation. It makes sense to zone it that way to prevent annexation.
458

459 Mr. Brenza said these are all uses and features proposed by Mr. Lamb and regional
460 planning, but they seem to be appealing developers and they do not really care about the
461 land, the people, the properties or the integrity of the area.
462

463 Mr. Brenza said he used to be a lab technician at an R&D company, and one time,
464 something blew up while he was there, and the fire department had to be called. He said
465 R&D involves nuclear medicine, blood borne pathogens, and more. These uses are not
466 regulated like industrial or commercial developments are, and things go wrong. He did
467 not think the residents want those uses in their neighborhood and he feels this is an
468 overreach to appease somebody.
469

470 Mr. Lamb said his number one priority is to better the community. He serves the county
471 commissioners and they are here because the elected Berlin Township trustees wanted
472 this plan to move forward. He was asked to create a professional plan. The uses have
473 been scaled back in multiple ways to address the comments. Regarding the R&D
474 comment, obviously things happen so there are safety protocols; however, he is not an
475 R& D expert. There can be accidents everywhere. Every building has safety standards
476 and every community has safety procedures that are enacted.
477

478 Mr. Brenza agreed that accidents will happen, but he disagreed that there is nothing
479 zoning can do; the zoning can be changed to not allow zoning. Mr. Lamb said he has
480 seen issues with explosions at gas stations, contamination of grounds, electrical failures at
481 grocery stores, etc. He will try to limit those with the overlay but it is not realistic to
482 prevent all problems.
483

484 Mr. Brenza said the comment has been made that if the zoning is too restrictive, the
485 township can be sued because the property owner does not get the full value of their
486 property. But now he is being told that an architectural review board can be created. Mr.
487 Lamb said that is not a fair comparison because zoning standards are an enforceable act
488 of law that the township has put into place through a series of steps that can also go
489 through a voting process. Design standards are different as they must be adhered to and
490 they are put into place after the rezoning.

491 Mr. Lamb said that overly restrictive guidelines result in people not investing in the area
492 and the property sits.
493

494 Mr. Brenza said that is where the disconnect comes from; there is an assumption that
495 sewer will be built and everything will follow, but high-density development must follow
496 to justify the investment. Industrial development is also necessary to justify the
497 investment. He said the tax abatements will result in not as much revenue coming into
498 the community and it becomes hard to recoup the investment. The people who get
499 sacked in the meantime are the existing residents. He asked how this helps the residents.
500

501 Mr. Lamb said he has offered to sit down and go through the numbers. The cost of the
502 sewer is only around \$2-4 million because much of the area is already serviced. The area
503 is going to develop; the question is the way in which it develops and whether it results in
504 an economic base for the community going forward, or it results in 8,000 new single-
505 family homes that create students.
506

507 Mr. Brenza said he is 400' back from the road and there is a creek in his front yard. He
508 asked if he would be able to connect to the sewer. Mr. Lamb said there is no requirement
509 to connect to the sewer.
510

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

SPECIAL MEETING

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511 Brian Kiger, 5188 Baker Road, said he understands the overlay on the western side and
512 why that area would be ripe for annexation because those properties all have frontage on
513 36/37. His property is on the east end of Baker Road with no frontage on 36/37. He said
514 area B is potentially zoned for logistics, but it seems like a natural area to be zoned
515 residential and he asked why it was not.

516

517 Mr. Lamb said he looks at the area for what it can develop as and potential for
518 annexation. It is not a far reach at all to see the city move on the north side of 36/37 over
519 to that area, given the open land that exists and annexation has already occurred across
520 the train tracks.

521

522

Commission Consideration

523

524 Mr. Flaherty said this is an overlay and an option. There has always been an option to
525 annex to Delaware or Sunbury. Development is coming regardless at some point. The
526 township is trying to put into place a plan that provides an option with a competitive
527 advantage to annexation so the township doesn't lose a say in what develops.

528

529 Mr. Flaherty said if the property annexes to the City of Delaware, anything will be on the
530 table and there will be few restrictions. He does not want those uses in Berlin Township.
531 He asked residents to review the NAICS codes and to have a discussion regarding those
532 they do not want. He asked what the residents want the identity and look of Berlin
533 Township to look like. Several other communities have certain uses that fit in with a
534 certain identity. If too many barriers are created, the property will annex. He asked the
535 residents what identity they would like to see and the township would try to make it
536 happen.

537

538 Mr. Bardash asked where 14 units per acre in the R-14 areas comes from and whether
539 there is any leeway on that. Mr. Lamb said the decision is up to the township. He set the
540 number based upon the market. He also considered the allowable densities that Sunbury
541 is getting in their annexed area, which 14 units per acre. It would be hard to convince a
542 developer to not go to Sunbury if the density was much lower.

543

544 Mr. Bardash thanked all the meeting attendees for their input and he said the plan has
545 changed for the better. Unfortunately, the drafts were not received until tonight for
546 review.

547

548 Mr. Johnson said regarding the amenities, developers continuously bring developments
549 with a sea of asphalt shingles to maximize profits for those developers. He understands
550 annexation may be imminent, but he believes there are ways to improve the overall plan
551 to try to make accommodations for transition. The plan as exists today goes from FR-1 to
552 the highest density allowed. He said he would like to see more buffers between industrial
553 and single family housing. He asked whether there was a way to incorporate some kind
554 of traditional residential development into this plan. If annexation is already imminent
555 for higher density housing on the northern side of Baker Road, his recommendation
556 would be to focus on putting the highest density there. He asked whether there was a
557 way to develop a band of standard R-2, R-3, a buffer, a standard TPUD, then get into the
558 industrial areas. That would create additional buffering.

559

560 Mr. Johnson said it seems that there is already light industrial in place around the
561 peninsula, and he suggested perhaps having more commercial in that area. He said
562 perhaps light industrial uses could be centralized over into the areas where they are
563 already in place and that would allow a more efficient plan for traffic control and
564 managing trucks from I-71. He asked whether there was a way to change the plan to
565 install buffering via different types of developments. Mr. Johnson said there are ways
566 some of the Berlin Township personality could be built into. 80% of the property will be
567 covered by asphalt or concrete, and he asked whether that could be reduced and more

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568 green areas incorporated. The developer should bring more amenities to the development
569 so it is not just a sea of asphalt and concrete. There should be a way that usable
570 community additives could be incorporated into the plan via the zoning overlay or the
571 design standards board.

572

573 Mr. Lamb said he wanted to clarify the role of his department in this. He was asked to
574 step in and provide a professional recommendation on how the area could develop that
575 would diversify the economic base and limit the chance of annexation. At the end of the
576 day, he is just putting this forward; the BZC and trustees can make any changes they
577 want to the plan. He is just providing a professional opinion on the plan. He wants this to
578 be something the community embraces at the end of the day. Mr. Johnson asked that the
579 next draft include professional opinions about how the other kinds of residential housing
580 developments could fit in.

581

582 Mr. Lamb said he had considered lower densities to address some of the concerns on the
583 northern portion of 36/37. However, lower density such as R-2 and R-3 will push the
584 possibility of annexation. He said the likelihood of annexation and the potential use if the
585 property is annexed should be balanced.

586

587 Mr. Lamb said the change to R-6 on the south side along South Old State was done
588 because the risk of annexation was minimal and zoning was decreased away from
589 commercial into. When he looked at the north side, he came to a different conclusion.

590

591 Mr. Johnson said the financial benefit for all of this has been discussed, and he said Mr.
592 Lamb had offered to share that information with a resident. He asked for a summary
593 report of the financial benefit to Berlin Township. If Berlin Township gets \$84 out of
594 this proposal, it is much different than \$84 million. Mr. Lamb said he could lay out some
595 very high level concepts regarding how development could occur such as a 1000 acres of
596 single family homes and a 1000 acres that includes a mixture of multi-family,
597 commercial, light industrial, etc. He could show the difference from a tax based
598 standpoint and from a demand standpoint. Mr. Johnson said that would be useful.

599

600 Mr. Johnson asked whether it was correct that the architectural design review board
601 would be created and appointed by the trustees. Mr. Lamb said that was correct. Mr.
602 Johnson asked how the standards would be reviewed and approved. Mr. Platte said they
603 would be put into place by the trustees, who would create a 5 member board and he
604 recommended a consultant and a design firm to help with that process. The standards
605 would not be reviewed by the BZC.

606

607 Mr. Platte said that the 5- member design review board is an action of the trustees. All
608 members must be residents of the unincorporated part of the township, and one must be
609 an engineer or an architect. The trustees also put into place the architectural design
610 standards that the board will utilize. In another situation, NBBJ was brought into to do a
611 design study of the corridor. Once the criteria is put into place, it is utilized by the board
612 who would review the plans and that would be done prior to the BZC making a
613 recommendation to the trustees.

614

615 Mr. Johnson asked whether there were specific drivers for why the western edge seemed
616 to be more suited for light industrial versus commercial. Mr. Platte said the purple area
617 encompasses everything but the residential. It could be office uses, retail uses, etc.
618 Regarding 31, 32, 33 codes, those are the manufacturing type uses but it made sense to
619 not limit those uses.

620

621 Mr. Lamb said it was considered additional manufacturing-oriented uses, but because of
622 the waterways and what he had heard from individuals during this process there was a
623 decision to not put that in there. He noted that the manufacturing uses have been reduced
624 by 400 acres, and there has been an attempt to include some additional buffering.

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

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625 Ms. Korleski said she is still not happy with the density and that should be looked at. She
626 said that so far she has heard all the negativity and that everybody is looking out for their
627 own interests and not the community as a whole. She said they should be working as a
628 team and not against each other. There will be change and it should be implemented as
629 something everybody wants together as a township.

630

631 Mr. Valentine thanked everybody for all their work on this, and he said this plan was “for
632 us,” not “to us.”

633

634 Ms. Kaplan said it was stated that industrial uses were reduced by 400 acres. She asked
635 whether that was removed or shifted, and she was looking for a breakdown as to how
636 much of the plan is commercial and residential. She did not see where it was reduced by
637 that amount. Mr. Platte said that may have been because additional properties were
638 added to the plan. Some manufacturing uses have been removed.

639

640 Mr. Platte thanked everybody for their time and said it has been a long night. He has
641 provided the text documents with all the NAICS codes and he will forward the plan and
642 map to put on the township website tomorrow. He said the expectation is that around 65
643 people will attend, so the next meeting could be held at Berlin Township Hall. He said
644 perhaps the next meeting could be held next week on October 10, or the week after.

645

646 Ms. Korleski said the meeting would be tabled.

647

**RESOLUTION 2019.10.03 #A: TABLE BZC 19-004 & 19-005
TO THURSDAY, OCTOBER 17, 2019 AT 7:00 PM AT GRACE POINT CHURCH**

649

650
651 Ms. Korleski made a motion to table BZC 19-004 and 19-005 to Thursday, October 17,
652 2019 at 7:00 PM at Grace Point Church. Mr. Bardash seconded the motion.

653

654 Vote: Korleski, yes; Bardash, yes; Valentine, yes; Johnson, yes; Kaplan, yes.

655

656 Motion carried.

657

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

659 Meeting adjourned.

660

Toni Korleski, Chairperson

661

662

663

Jerry Valentine, Vice-Chairperson

664

665

666

667

Darcy Kaplan, member

668

669

670

Mike Bardash, member

671

672

673

674

675

Martin Johnson, member

676

677

678

Steve Flaherty, 1st alternate member

679

680

681

682

Ray Armstrong, 2nd alternate member

683

684

685

686

687 Attest: _____
688 Lisa F. Knapp, Berlin Township Zoning Clerk