

BERLIN TOWNSHIP TRUSTEES

6:00 p.m. Special Meeting September 30, 20

HELD AT: This meeting was held virtually on Zoom, Delaware, OH

CALL TO ORDER: Tom D’Amico, Trustee Chairman

PLEDGE OF ALLEGIANCE: Ron Bullard led the Pledge of Allegiance

ROLL CALL: Ken O’Brien (Recused), Tom D’Amico, Ron Bullard and Claudia Smith, Fiscal Officer

ATTENDANCE: Cody Hondros, Christina Littleton, James Brenza, Meghan Raehll, Holly Mattei, Jim Reed, Rob Platte, Bob Lamb, B. Mass, B. Reed, Scott Cubberly, Angela Brown, and Rick Gemienhardt

BZC 19-004 AS THE BERLIN BUSINESS PARK INDUSTRIAL OVERLAY

D’Amico asked Rob Platte to go over the changes that have been made since the last hearing. Platte said they did some language cleanup to address some of the concerns stating that there would be no more than four dwelling units per building which has been the intent from the beginning and still is. That is on the R4 with the density not to exceed four (4) dwelling units per acre. R10 is the same with a greater number of dwelling units per building provided the overall density does not exceed ten (10) dwelling units per acre. He said they addressed the Prohibited uses as requested by Trustee Bullard. They did not make any changes to the cross section of the roads but he put a note in the text box to read: Note: Text in development standards has been revised to move trees and multi-use paths out of right-of-way. Cross-section drawings will be updated prior to a final document being prepared. The following changes were made to the document regarding Rooftop Mechanical Units and Building Height Limits:

- 6.) Rooftop Mechanical Units: Rooftop mechanical units, antennas and other similar apparatuses, are permitted provided they:
 - a.) Do not exceed ten feet in height; and
 - b.) Are clustered in one area of the roof that does not exceed twenty five percent of the total rooftop area;
 - c.) Are screened on all sides by a wall, parapet or other similar architectural feature that does not extend more than ten (10) feet above the building height. Such screening shall be limited to the permitted area for said mechanical units, antennas or other similar apparatuses and shall not extend the entire length and/or width of the building.

The Board of Trustees may exempt hotels from 19.05(A)(6)(b) provided all other requirements are met.

- c.) Building Height Limits: The following height limits shall apply as follows:
 - a. R-10 Subareas: No buildings developed for residential uses within the sub--areas labeled R10R-10 shall not exceed forty--five (45) feet, or three stories, in height measured from the elevation of the threshold plate at the front door to the highest point of the roof.
 - b. R-4 Subareas: No buildings developed for residential uses within sub-areas labeled R-4 shall exceed twenty- five (25) feet, or one story, in height measured from the threshold plate at the front door to the highest point of the roof.
 - c. For purposes of this section, height is measured from the threshold plate at the front door to the highest point of the roof.
 - d.) Rooftop Mechanical Units: Rooftop mechanical units, antennas, etc., may and other similar apparatuses, are permitted provided they:
 - i. Do not exceed ten feet in height; and
 - i.ii. Are screened on all sides by a wall, parapet or other similar architectural feature that does not extend an additional more than ten (10) feet above the building. height. Such screening shall be limited to the permitted area for said mechanical units, antennas or other similar apparatuses and shall not extend the entire length and/or width of the building.

Holly Mattei stated that they did make changes to the Architectural standards based upon feedback from the residents. She said the biggest thing they asked them to do was to look at a themed design and to focus on the artisan design theme, which is large craftsman type

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architecture with large wood pillars. Examples were given to them and she found some additional examples that fit that theme and updated the architectural requirements to fit the theme with the building colors and materials. Instead of having materials that allowed brick etc., it is limited to the cultured stone and fiber cement. Then they added in language that the foundations have to be clad with the same natural materials that are utilized on the building and allow for some trim work to be vinyl and aluminum as well as shutters and gutters. Building colors were asked to be limited to earth tones, which are brown, tans and grays. She added in that leaf greens, gray sky blues, and whites may be utilized as an accent and shall not be the predominant building color. She updated the design elements to be consistent with Artisan Design theme and shall include, wood columns, portico, cupolas, trellis containing plants, patio, deck or other similar features, balconies, works of art, fountains and pools, street furniture, landscaping and garden areas. Residents did not like flat roofs so they are prohibited and should be constructed of dimensional shingles, standing seam metal, slate or simulated slate. For the industrial they were already in the ballpark with the colors but she added language to say pole buildings are prohibited.

Platte said they specified that trees listed on the Berlin Township Prohibited Tree List shall not be utilized and shall be located outside of and immediately adjacent to all public rights-of-way. Language to Pavement Standards was changed to state: Parking lot pavement with heavy truck use, as determined by the Township Trustees, shall have a minimum pavement depth that includes eight (8) inches of aggregate base with two (inches) of pavement. For all other uses, parking lot drive aisles that connect to the public streets shall be constructed to public street cross sectional and design life standards within 50 feet of the edge of the public paved road. He stated that the 8 foot mound on the 250 foot perimeter area was added and states "This buffer shall include a minimum eight (8) foot mound running parallel to the lot line abutting the existing residential uses. Said buffer shall be landscaped in accordance with Section 19.05(C)(4)(f). For purposes of this section, an "existing parcel that is used for residential purposes" shall be defined as a parcel with a structure utilized for residential purposes at the time of the adoption of this resolution and/or has a foundation survey on file with the township."

Platte said the language for signage was changed to read: Signs shall be permitted and developed in accordance with Article 25 of the Berlin Township Zoning Resolution. For lighting, they clarified what a holiday was adding federal holidays and that all lighting shall be directed toward the ground and the interior of the parcel. Up lighting shall be prohibited.

Bullard said the changes made are things that they have discussed in the past and he is okay with them. Platte asked the trustees to accept this version of the document as the working version.

D'Amico said there was some discussion over the last couple of months about a step down in the R10 area along Curve Road and said he did not see any changes there. Platte said a significant amount of property owners asked to be included if we had not included them originally. There has been discussion of an R10 product against the school parcel and they received no concerns from the schools and we know a school parcel can be laid out if and when it is developed in such a way the building would have sports fields behind the building so they did not make any changes to that. The R10 remains at the 45 foot, 3 story product and then the R4. D'Amico asked if the industrial was still 60 foot and Platte said it was.

Public Comment- D'Amico opened the floor to public comment.

Meghan Raehl read the following:

Thank you, Trustees, and I do think we are closing in on a finished project and appreciate the county and trustees' efforts. As a follow up to the codes, I provided the few outstanding codes in the BCO to be eliminated and the outstanding BIO codes to be eliminated include:

- 237990, 238990, 334519 and 334517

We have also spoken with a number of residents related to where we are at and wanted to just summarize two points:

- 1) We had negotiated many months down from 500' to 250' for the buffer and so I want to reiterate it will be a buffer or bust. That was the compromise.

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2) In addition, most (not all) residents indicate they could live with the density but cannot live with the height. We mentioned the heights before were not acceptable and not becoming to the character of community. For example, right now we would have a 60' building potential next to a future school and it would be taller than the school. In a prior discussion with the county and trustees, I did want to share an idea brought forward to the group (not my own) that may get us to the middle ground. Residents want nothing more than 35' and right now proposal is at 60'. For resolution and sake of moving this forward for the gain we all hope to have as a community, I hope you will kindly consider the following compromise:

Heights: • R-4 to remain 25'

- R-10 and Industrial/Commerical areas: consider the visual scape as moving away from residences to a horizon vanishing point:
 - 0-250' – No Build Buffer
 - 250-350 – 25' single story
 - 350-450 – 35' two-story
 - 450'+ 45' three-story
- Permissible of up to 2-feet for divergence in height to accommodate unique design features.
- Roof Mechanicals – Reduce to 8 feet – and indicated preference of central to the building unless otherwise indicated by engineering or the fire department requirements.
- Buffer zone applies to existing residential properties, not within the cloud overlay.

Christina Littleton stated that she would like to see the 60 foot height for the industrial building to come down to 45 foot maximum and she wants the trustees to address that and share their thoughts. D'Amico said he is listening to Platte and trying to understand how they present it to them and they have come a long way but there are a couple places that have not budged much and he likes Meghan's idea of phasing back the heights from residential.

James Brenza stated there have been extensive concerns regarding the NAICS codes; an example that was raised is what starts a restaurant advertising fresh cut steaks and the next thing you know there is a slaughterhouse hanging on the back of the building. He asked what consideration or controls have they put in place that prevents that type of scope. He said if they do not have language he would offer some. Bullard said they have to stay within the NAICS codes because that is what the application was. Brenza said looking at Section 19.04 (A) which talks about prohibited uses, a suggestion would for it to say all operations on premise in Berlin Township must adhere to the above NAICS codes, this will help prevent NAICS codes creep. The only challenge you may have with that is regular business operations, sales, marketing finance etc, etc. So you have to make sure those codes are included above or a simple clause that says with the sole exception of administrative processes necessary to run the company. He would feel better with very firm language that calls out if you get anywhere off those NAICS codes you are in complete violation of zoning. D'Amico said it was a good idea. Bullard asked Brenza to submit that in writing.

Rick Gemienhardt said he appreciates Bullard's thoughts on the referendum issue as far as how we are going to structure this particular ordinance but that took him out of the game. He said they have heard that this is a huge project and that not everyone is going to be happy but would like to hear from the trustees what types of compromise and improvements would benefit someone like him and other residents of the township. Bullard said when the project was started that they said the property taxes they all pay is too great, and the state has defined us as a rich district and we do not get much support from the state. We are trying to figure a way to get some support to keep our taxes down. If this goes residential, it will be a huge tax burden for us to pick up. We are trying to get some commercial that will help offset some of the tax burden. They are trying to make a design development as opposed to a piecemeal development. D'Amico said he agrees with Bullard and that they are trying to get Berlin Township to grow, expand, and have a hand in it. What he has heard this is going to be a great thing for Berlin Township as far as tax revenue goes. Taxes from single-family housing does not benefit us as a township. Gemienhardt said he still does not see a compromise from the 60-foot industrial heights and he does not see any compromise for the 10 units per acre apartments. He sees incompatible industrial uses amongst large lot residential and sees a massive 2,000-acre project; these

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are the things he has not seen good progress on. Bullard said the 10 units per acre started out at 14 units per acre so there is a compromise there.

D’Amico asked Platte about Meghan’s tiered idea. Platte said he looked at it and sees the goal and is not opposed to the concept but they need to look at the reality of it for the BIO. They are trying to step down from the existing buffer that is already in place, the 250 and they are trying to step down where the R10 type units are that’s what is being proposed. The reality is that there are three parcels that it would affects, maybe four and this was discussed in the BCO and does not think it will help here in the BIO.

Angela Brown said what they put in place in the BCO is the step down for Linda Lane and we need to do the same thing off Old State Road and Curve Road where we have houses that are very expensive and we need to protect them. D’Amico said they would have Platte look at it again. Platte said the maximum height for R4, which is the starting point for the vanishing line already, exists for the Old State and Curve Road residents. They are not accomplishing anything because the depth of the R4 25 foot height exceeds what is being proposed for the vanishing sight lines and already has been taken care of.

D’Amico said they approved a resolution for an architectural review board and if anyone is interested in serving on it to contact Bullard. Bullard said he is looking at the NAICS codes Meghan had mentioned and he does not have a problem with deleting 237990 & 238990. The other two he knows there are concerns being a Irradiation Apparatus Manufacturing and Other Measuring and Controlling Device Manufacturing but the regulations that go around this are so tight and he does not think it will be an issue but the jobs that go along with it are high paying jobs. Brenza said when Ron says things like that it makes him feel that he is being tone deaf to residents’ concerns as they have had a chemical engineer raise the fact that accidents happen. Bullard said he is not opposed to taking it out but you are taking out very safe jobs that are high paying.

**RESOLUTION
20-09-49**

MOTION TO TAKE THE COMPLETED CLEAN VERSION OF DOCUMENT GIVEN TO THE TRUSTEES BY ROB PLATTE IN MEMO DATED SEPTEMBER 25, 2020 WHICH WILL BE EXHIBIT #25 AND BECOME A WORKING DOCUMENT

Motion: Bullard
Second: D’Amico
Vote: D’Amico yes and Bullard yes

**RESOLUTION
20-09-50**

MOTION TO CONTINUE BZC #19-004 HEARING TO OCTOBER 14, 2020 AT 6:00 P.M. VIRTUALLY BY ZOOM

Motion: D’Amico
Second: Bullard
Vote: Bullard yes and D’Amico yes

Meeting continued by Chairman D’Amico at 7:04 P.M.

Tom D’Amico, Trustee

ATTEST:

Ron Bullard, Trustee

Claudia Smith, Fiscal Officer

RECUSED

Ken O’Brien, Trustee