

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO 43015

**REGULAR MEETING
TUESDAY, MAY 11, 2021 7:00 PM**

This meeting was held virtually.

CALL TO ORDER

The meeting was called to order by Chairperson Steve Flaherty at 7:00 PM.

Mr. Flaherty led meeting attendees in the pledge of allegiance.

BZC members present: Chairperson Steve Flaherty, Vice-Chairperson Jerry Valentine, Darcy Kaplan, 1st alternate Christina Littleton (seated), 2nd alternate Angela Brown (seated).

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

Mr. Flaherty reviewed the adopted policy of the BZC, and noted that public comments are limited to three minutes per person. He reviewed the procedures for this hearing. He noted that public comment can be taken via the zoom link on the township website.

AGENDA ITEM: PROOF OF PUBLICATION

Ms. Knapp confirmed that the meeting was approved as a regular meeting at the end of 2020.

Mr. Flaherty said that BZC member Martin Johnson has resigned due to a new position at work. Ms. Littleton will be moved from first alternate to that position. Mike Bardash submitted his resignation yesterday because he is moving out of the township, and Ms. Brown will be moved into his place. He noted that two alternate positions will be available and interested residents should submit their resumes to the trustees for consideration.

AGENDA ITEM: APPROVAL OF MINUTES

Mr. Flaherty made a motion to approve the minutes from the 4/27/21 BZC meeting as presented. Ms. Kaplan seconded the motion.

Vote: Flaherty, yes; Kaplan, yes; Valentine, yes; Littleton, yes; Brown, yes.

Motion carried, minutes were approved.

AGENDA ITEM: SATYA YELUGURI INFORMAL DISCUSSION REGARDING DATA CENTER

Mr. Flaherty said Satya Yeluguri is here for an informal discussion regarding his interest in developing a data center in Berlin Township. He said after his presentation, the BZC can ask questions, and then the public will be asked for their comments. He noted that this is simply a discussion and that no decisions will be made tonight. The BZC and the public will get an idea of the project and the scope of it at this meeting.

Mr. Yeluguri introduced himself and asked Surith Maram to give more information.

Surith Maram thanked the BZC members for their time. He said he would like to add value to the local community with this project, and he would like to review the options with the BZC. This discussion will not be just to understand the scope of the project but also some of the options, and to understand the process.

Mr. Maram said there has been a huge spike in the need for data centers around the country and also in Columbus. He would like to know what options are available in Berlin Township and he would like to ensure they are following the rules. He noted that there may be tax incentives involved. He is an investor and would rather stay here than go to a different state.

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO 43015

**REGULAR MEETING
TUESDAY, MAY 11, 2021 7:00 PM**

53 Mr. Flaherty said procedurally, it depends on the location of the property. The township
54 has a comprehensive land use plan (CLUP). Everything that isn't already zoned is
55 considered FR-1, meaning it has the right to have a house built on it. For anything else,
56 the zoning process is initiated; that would be a request for a rezoning change to a
57 commercial property with a PCD overlay, or something else. There are zoning
58 requirements in place that must be met, or a divergence must be requested.

59
60 Mr. Flaherty said that after the BZC's review, the application goes to the trustees for final
61 approval, and then there is a 30-day referendum period.

62
63 Mr. Flaherty said a BZC member typically meets with potential applicants in advance to
64 review proposed plans, and provide feedback on things such as screening, etc. They
65 welcome commercial developments and the corresponding tax base, but not at the
66 expense of changing the atmosphere dramatically. They ensure that it does not overly
67 impact existing residents. They know farm fields will be developed, but it must be done
68 within certain standards. For example, for a commercial building, there must be
69 buffering and screening to minimize the impact, etc.

70
71 Mr. Loveless said regarding the tax incentive, that is a county discussion/decision. He
72 suggested Mr. Maram contact Bob Lamb of Delaware County Economic Development.

73
74 Mr. Flaherty said typically, a meeting would be set up with that department to discussion
75 such options. He noted the township has a cloud zoning project that was recently
76 approved. He did not recall that a data center was restricted and he believed they were
77 allowed. The zoning has already taken place and is an option on the property that can be
78 utilized as long as it meets the desired/needed standards.

79
80 Mr. Flaherty said the standards include setbacks, screenings, buffering, mounding, etc.
81 The cloud is located along 36/37 and is controlled by access to sewer. A data center may
82 not need as much access to sewer, but the applicant should discuss that with Delaware
83 County.

84
85 Mr. Maram said an advantage of Berlin Township is that there is already fiber, a power
86 grid, and water in the area.

87
88 Mr. Maram asked how often the properties are rezoned. Mr. Flaherty said all the
89 property remains as zoned until the time there is an application. The CLUP is a vision for
90 the township that is reviewed every five years or so, as is the zoning resolution, to ensure
91 they still match, and to make any changes that need to be made.

92
93 Mr. Flaherty noted that there are design standards and that materials are specified. For
94 example, the Citigroup data center in Orange Township is a brick building that is
95 screened by trees and sits back off the road. People hardly know it is there.

96
97 Mr. Flaherty noted that as long as the use meets the requirements, the township has no
98 control after that as long as the requirements and standards are adhered to.

99
100 Mr. Maram asked how often ordinances are revised. Mr. Flaherty said it is as needed in
101 order to ensure the standards are up to the current vision for the township over the next
102 20 years. They are examining the cloud and the zoning resolution currently to ensure the
103 township's standards currently match that.

104
105 Mr. Maram asked what the typical rezoning time frame is. Mr. Flaherty said it varies, but
106 it is usually about 6 months. This will include a presentation to the BZC, which could
107 take 1-2 meetings, then the trustees have 30 days after the BZC decision to set a hearing,
108 which could take 1-2 meetings. Then there is a 30-day referendum period where the
109 public could contest the trustees' decision on the ballot.

110

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO 43015

REGULAR MEETING

TUESDAY, MAY 11, 2021 7:00 PM

111 Mr. Flaherty said the BZC will weigh in first, then the trustees will. He said that any
112 infrastructure, tax incentives/abatements are done at the county level, who is in charge
113 the engineering such as soil and water. The plan is first taken to the Delaware County
114 Regional Planning Commission, who will review it in a broader sense in relation to the
115 entire region. They are not a part of the decision process as their recommendation is not
116 binding, but the BZC does pay attention to their recommendations.

117
118 Ms. Littleton noted that the applications in the cloud does have an architectural review
119 board that reviews the building designs that the application would need to go through.
120 Mr. Flaherty noted that is correct, and also that the cloud should be faster because the
121 property has already had zoning placed on top of it to be pulled down.

122
123 Mr. Maram asked where the cloud was exactly. Mr. Flaherty said it is a tool. For
124 example, a person can apply to rezone an FR-1 property into another use. The township
125 has put in place a cloud option that already has the uses included, as well as the design
126 standards for the facilities to be located on those properties such as screening, buffering,
127 mounding it. An applicant can apply to pull the cloud down so long as the application
128 meets all of the standards.

129
130 The BZC would review the application, determine whether it is applicable, and then
131 decide whether to approve it. The zoning would automatically be granted by that
132 decision; there are no trustee meetings or referendum period. The application would then
133 go through the architectural review board. This a new process that the township chose to
134 implement in Berlin Township as an option, so they would have a greater, in-depth vision
135 for 36/37, providing an option for developers if they want to come into the township.
136 They have determined what they want to see in that area. He noted that the applicant
137 could also chose to apply to rezone the property to a different use. He said that area is
138 pre-defined.

139
140 Mr. Maram asked where the cloud information was located. Mr. Flaherty said there is the
141 BIO, which is the Berlin Industrial Overlay, and the BCO, which is the Berlin
142 Commercial Overlay. Both PDF documents are included on the Berlin Township
143 website.

144
145 Mr. Maram said this is something he is looking into, but would like to be able to strike
146 quickly if it works out. His time frame could be 6 months to a year. He asked about
147 residential development such as that located in the Cheshire Road area. He asked what
148 the time frame would be to rezone from FR-1 to a residential district and then getting a
149 house built, from ground zero to completion.

150
151 Mr. Flaherty said it would still take around 6 months or longer, depending on the
152 circumstances. New homes can attract attention from residents, and the BZC also wants
153 to ensure that a new development brings a sense of community, not just a bunch of
154 rooftops. Regarding the development side, that is contingent upon the county, which
155 involves preliminary and final engineering plans.

156
157 Mr. Flaherty said there are many variables involved with going through the county on the
158 engineering part of the procedures.

159
160 Mr. Maram said he is also considering a residential project on a 61-acre property at
161 Cheshire and Platt Road. He is considering a PRD for single-family homes. He would
162 like to hear what the BZC wants to see there. He said there is a need for
163 attainable/affordable/smaller housing at a subsidized price such as for teachers or work
164 force units.

165
166 Mr. Flaherty said he did not want to deviate much from the meeting agenda, which was
167 published as a discussion about a data center. He said he is willing to talk and meet. He
168 noted that is in the rural core of the township so anything outside of single-family would

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO 43015

**REGULAR MEETING
TUESDAY, MAY 11, 2021 7:00 PM**

169 be a hard ask. The BZC does not look at it from a product and market conditions
170 standpoint, but from a zoning standpoint. The marketability/feasibility of the developer
171 in order to make an investment/financial gain is up to the developer. The township can
172 provide information on standards and what is currently located around the development.
173 They look at it from a pure zoning standpoint and the precedent that has been set for the
174 area.

175

176 Mr. Flaherty suggested an informal meeting process, including how the projects across
177 the street were designed and developed, and discussed the options. A property owner can
178 request any type of zoning they want by law, although it may not be approved. In the
179 rural core of the township, there are typically half acre lots, although there is some
180 discretion dependent on the amenities that are being brought. On the other side of the
181 tracks is the City of Delaware, which has different requirements and standards. Their
182 higher density brings in more taxes because they are a city, while a township does not
183 have income tax.

184

185 Mr. Loveless said a data center plan should be explained in great detail, including the
186 height, size, number of employees, maintenance trucks, traffic patterns, lighting, signage,
187 etc. The more information, the better the feedback will be from the township.

188

189 Mr. Flaherty suggested an informal meeting with him and the zoning inspector.

190

191 Ms. Brown said that she did not feel residents would have an issue with a data center in
192 the BIO due to less traffic and a building that is lower in height. It can be beautified
193 easily and requires less signage and most likely will result in more green space and
194 plantings. She feels a data center would be very pleasing for the residents and would not
195 disturb them, and she is looking forward to that.

196

197 Mr. Flaherty said a data center is a very low impact use on the township as there will not
198 be forklifts, semis, trucks slamming against the dock doors, etc. A data center is quiet
199 and has minimal personnel so the traffic impact is low. The financial and tax base it
200 could provide is why this type of development is important in the township. It is not
201 desirable to have all residential property in the township. For every dollar received in
202 property tax from a residential home, it will take the township \$3 to maintain that over its
203 lifetime.

204

205 Mr. Flaherty said this is different than a commercial or industrial property, which are
206 maintained by the owners. For every tax dollar that comes in, it only requires 50-75 cents
207 for the township to maintain. Business and industrial development are incentives for the
208 township and necessary for diversification of the tax base; as more residents come in, the
209 costs to educate children and to maintain infrastructure drastically increase.

210

211 Ms. Kaplan said she does not want to see them go to a different state, but unlike some
212 states, this is new in this area and they are pioneers. This area would welcome that kind
213 of development and they would like to see them succeed, but the challenges will be
214 locating it in the right place, and the details.

215

216 Mr. Maram said he tries to look at it from a taxpayer standpoint. The development will
217 not overwhelm the schools, and it will diversify the economics. It can also be more of a
218 green development.

219

220 Mr. Yeluguri thanked the BZC for their time and said he would be in contact.

221

222 Mr. Flaherty thanked Mr. Johnson and Mr. Bardash for their extensive service over the
223 years to the BZC.

224

225

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO 43015

**REGULAR MEETING
TUESDAY, MAY 11, 2021 7:00 PM**

226

AGENDA ITEM: OTHER BUSINESS

227 Zoning Inspector's Report

228 Mr. Loveless said he has been inspecting boats in subdivisions.

229

230 Mr. Flaherty said the next BZC meeting will be held virtually on 5/25/21 at 7:00 p.m.

231 The public is welcome to attend via Zoom.

232

233 Ms. Rippel said an informal discussion is on the agenda regarding rezoning 1895
234 Peachblow Road for a swimming facility. The conditional use permit was approved in
235 2014 by the BZA, but the applicant is considering rezoning the property.

236

237 Rick Karr said the original approved use included a large competitive pool and swim
238 school that was under a bubble, and he is considering building a physical structure and
239 adding about 40,000 SF of office space. He and his wife Lori are residents of Delaware
240 County in Liberty Township and are excited to be part of the community. The growth
241 around that area has led him to the conclusion that they should further develop it, and he
242 looks forward to presenting the vision for that space for Buckeye Swim Club and Safe
243 Splash Swim School.

244

245 There was no further business to come before the BZC.

246

247 Motion to adjourn. Meeting adjourned.

248

249

250

Steve Flaherty, Chairperson

251

252

253

Jerry Valentine, Vice-Chairperson

254

255

256

Darcy Kaplan, member

257

258

259

Christina Littleton, 1st alternate member

260

261

262

Angela Brown, 2nd alternate member

263

264

Attest: _____

265

Lisa F. Knapp, Berlin Township Zoning Clerk

266

267