

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO 43015

**REGULAR MEETING
FEBRUARY 28, 2023: 7:00 PM**

1

CALL TO ORDER

2 The meeting was held at Berlin Township Hall, 3271 Cheshire Road, and was called to
3 order by Vice-Chairperson Darcy Kaplan at 7:00 PM.

4

5 BZC members present: Vice-Chairperson Darcy Kaplan, Angela Brown, Jenny Sloas,
6 BZC 2nd alternate Tara Shields (seated).

7

8 Not present: Chairperson Jerry Valentine, member Keith Goshia.

9

10 Also present: BZC 1st alternate Jasper DeChristopher (recused), Zoning Inspector Jake
11 Bon, Zoning Clerk Lisa Knapp, Asst Zoning Inspector Sherry Graham.

12

13 Ms. Kaplan reviewed the BZC's adopted rules, including public comment rules.

14

PROOF OF PUBLICATION

15

16 Ms. Knapp stated that this hearing was advertised on February 11, 2023 in the Delaware
17 Gazette as follows:

18

19

*BERLIN TOWNSHIP BERLIN ZONING COMMISSION
NOTICE OF PUBLIC HEARING*

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21
22
23 *The Berlin Zoning Commission will hold a public hearing February 28, 2023, at 7:00*
24 *p.m. at the Berlin Township House located at 3271 Cheshire Road Delaware OH 43015*
25 *to hear application, designated as BBP 23-001, filed by T & R Properties, Inc., 3895*
26 *Stoneridge Lane, Dublin, OH 43017. The applicant is requesting an administrative*
27 *review for Industrial Warehousing, Parcels #41821002004000, 41821002005000, &*
28 *41821002002000, ±30.85 acres, from Farm Residential (FR-1) to Berlin Industrial*
29 *Overlay (BIO), using the North American Industry Classification System (NAICS), code #*
30 *236210, S.R. 37 E., Delaware OH 43015.*

31

32 *For questions, call Jake Bon, Zoning Inspector at 740.548.5217 x103. You can find the*
33 *packet on the Berlin Township website www.berlintwp.us under the agenda and meeting*
34 *tab for Zoning Commission. After the conclusion of the hearing, the administrative*
35 *review matter will be submitted to the Berlin Township Trustees for its action. The*
36 *person responsible for giving notice of the public hearing by publication is Cathy Rippel.*
37 *Township residents are encouraged to attend.*

38

39 *Jerry Valentine, Chairman*

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41

AGENDA ITEM: APPROVAL OF MINUTES

42 Ms. Kaplan made a motion to approve the minutes from the 2/14/23 BZC meeting, as
43 presented. Ms. Brown seconded the motion.

44

45 Vote: Kaplan, yes; Brown, yes; Sloas, yes; Shields, yes. Motion carried.

46

AGENDA ITEM: BBP 23-001 T&R PROPERTIES

47

48 *BBP 23-001, filed by T & R Properties, Inc., requesting an administrative review for*
49 *Industrial Warehousing of ±30.85 acres from Farm Residential (FR-1) to Berlin*
50 *Industrial Overlay (BIO), using NAICS code # 236210, S.R. 37 E., Delaware OH 43015.*

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Applicant Presentation

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R. J. Sabatino, with T & R Properties, presented the application and answered questions from the BZC. Mark Mann, 8910 Sedona Court, Lewis Center, Ohio, civil engineer with Advanced Civil Design, was also present.

Mr. Sabatino said this is a mixed-use project with both multi-family and industrial, and the latter is being presented tonight. The multi-family was discussed at the February 14 BZC meeting. The industrial being discussed is being requested under the BIO cloud. They met with the architectural review board (ARB), received their recommendation, and they are here to review it and answer questions. He reviewed the site.

Mr. Sabatino said the project requires substantial public improvements to bring the BIO to life, including at 36/37, Lackey Old State Road, and the stubbed Reed Parkway, which will be extended to the west to open up the park. There will also be a north/south spine road that is currently dubbed South Plunkett Road. The multi-family will be on the west side of the project, and the industrial is further to the west. The industrial access by Plunkett is off of Reed Parkway, and is the first phase of four industrial buildings, each of which will be about 120,000 SF.

Mr. Sabatino said the first two buildings will be built in the first phase. The buildings are divisible to 40,000 SF. They have received substantial interest in the buildings so far. Regarding the architectural review board and the BIO text as a whole, there are some functional issues. He has reviewed in the depth the ARB comments and has resubmitted a letter that goes through line by line that reviews the issue brought up by the ARB for clarification purposes.

Mr. Sabatino said the ARB asked them to veer away from colors and to try to stay with more earth-tone colors. He has redone some of the plans as a result. This will be a tilt-up concrete building that is both functional and appealing, and the highest standard for today's industrial buildings.

Ms. Kaplan said the architectural standards do state the acceptable colors, and they call out some that are not permissible, and red was found to not be ideal. Mr. Sabatino said it is now a darker gray. Ms. Brown said she likes the replacement of white with cream.

Ms. Kaplan asked the applicant to review the changes that were made. Mr. Sabatino said Mr. Mann performed a redline of the plans to distinguish what was changed. The ARB letter was reviewed as follows:

Lot width: the width is 1,019', which is more than half of the lot depth of 514', so they comply with that portion of the code.

Setbacks: Some of the setbacks were not marked on the plans and so that has been done.

Rooftop mechanical units: Mr. Sabatino said they can no longer be seen and are screened from view.

Building design: Mr. Sabatino said the code is complied with. No industrial building will be the same 360 degrees. The way the buildings are laid out is a means to screen some of the loading zones and they are not in the front of the building or facing major thoroughfares such as 36/37.

Design elements: Mr. Sabatino said the renderings indicate that they comply with all of the architectural design elements.

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110 Pavement standards/cross section standards: Mr. Sabatino said he has further
111 distinguished that all roadways will be designed to Delaware County Engineer standards,
112 which is a 30-year design life, so they comply with the code.

113
114 Parking: Mr. Sabatino said in the BIO code, the minimums and maximums for parking
115 are reversed, which was confusing. The parking that is required per the BIO code is non-
116 functional. It would provide 10 parking space per building. 63 parking spaces are
117 requested, so he has requested a variance for parking. He exceeds the maximum number,
118 although technically they exceed the minimum because the numbers are reversed in the
119 code.

120
121 Ms. Graham said the ARB minutes do indicate there is some question about the
122 minimums and the maximums and why the number of parking spaces required is reduced
123 as the size of the building increases in 19-35. Mr. Sabatino said there are two rows of
124 parking for each building, and he is happy to email them some samples of modern
125 industrial buildings.

126
127 Ms. Kaplan said that the section of the zoning resolution needs to be fixed. Mr. Mann
128 said the table states a minimum number of spaces as half a space per 1000 SF, but the
129 maximum states ¼ space per 1000 SF. They are either reversed, or the intent was that the
130 maximum should be twice the minimum.

131
132 Ms. Kaplan said there is 483,000 SF of parking. Mr. Mann said ¼ space per 1,000 SF
133 would be 120 total spaces. Ms. Kaplan asked whether a variance would be required as it
134 is a mistake in the code. There have been commercial properties that believed they do
135 not need as much parking as is required, but they are sticklers for that. She believes they
136 are meeting the spirit of the code.

137
138 Ms. Shields asked whether they are requesting one space per 1,000 SF. Mr. Mann said it
139 is about 1.25 per 1,000 SF and there are 63 per row.

140
141 Ms. Brown asked whether there was another issue with the location of the parking, as in
142 it being located behind or on the side versus in the front. Ms. Graham said there was a
143 lot of discussion about parking. 19-35 discusses behind or side of the building. Ms.
144 Sloas said a variance would then be required. Mr. Sabatino said he requested a variance
145 for the parking as requested. Ms. Sloas said she did not think that was possible as it was
146 written a certain way that had certain requirements that helped preserved the character of
147 Berlin Township's rural feel but allowed for faster approval.

148
149 Mr. Mann said there was some concern that the lot did not meet the requirement that the
150 width of the lot must be at least one half of the depth, and the discussion was the front of
151 the lot is Plunkett Road so the depth would be 500' and width would be 2900' and that
152 met the requirements. With Plunkett Road being in the front of the lot, all of the parking
153 is on the sides. Mr. Sabatino said there is a lot of screening including for headlights.

154
155 Ms. Shields said the requirements state "Warehouse within an enclosed building at .5 per
156 1,000 SF." Mr. Sabatino said there would be 126 spaces per building. Ms. Shields said
157 that a variance would need to be requested. There was additional discussion. Ms. Sloas
158 said that variances cannot be granted with the cloud zoning.

159
160 Ms. Sloas said the face of the building faces 36/37 but the address is Plunkett Road, and
161 it seems they are trying to have it both ways. Mr. Sabatino said the closest frontage is
162 South Plunkett Road.

163
164 A man from the audience stated it was indicated that a building could be divided out by
165 40,000 and each would need to have a separate entrance, and he asked where those

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166 entrances would be. The east side would be one entrance if the building is not divided,
167 but if it is divided, it would need separate entrances and they would face 36/37. Ms.
168 Brown asked whether 36/37 was the front of the building. Mr. Sabatino said it does face
169 36/37.

170
171 Ms. Graham said some of this is clarified on 19-27 c) and the architectural requirements.
172 Mr. Sabatino said during the pre-application phase, minor variances were discussed.
173 There will be another item that also may need a variance. Ms. Kaplan said the variance
174 issue is complicated for the BIO because this is an administrative review and not subject
175 to referendum.

176
177 Parking Islands: These are shown in the plan with dimensions as well.

178
179 Loading Spaces: Mr. Sabatino said this is another function. The project exceeds the truck
180 dock space quantity, which is two truck dock spaces for this project. He is not sure
181 whether that is a minimum or maximum, but if it is a maximum, not only can he not do
182 that and successfully market and bring businesses to the township, but nobody can. The
183 industry standard is one dock space per 10,000 SF, and they have 12 dock spaces per
184 building.

185
186 Signage: They have submitted a signage plan that complies with the BIO signage code.

187
188 Lighting: Mr. Sabatino said there is uplighting and downlighting which complies with the
189 BIO code. Ms. Kaplan asked about the height of the lights and it seems that the
190 requested lights at 25' do not meet the code which is a maximum of 20'. Mr. Sabatino
191 said that is correct, and he can discuss the standard lighting, etc. Ms. Kaplan said they
192 are sticklers about lighting height.

193
194 Mr. Sabatino said the buildings are 42' in height and they are far away from any
195 residential use as well as other future industrial uses. Ms. Kaplan said that light pollution
196 is a strong consideration. Mr. Mann said as the height is reduced, the number of bulbs is
197 increased. Ms. Kaplan advised they stay within the requirements.

198
199 Sidewalks: Mr. Sabatino said all sidewalks are connected and comply with the code.

200
201 Environmentally sensitive areas: Mr. Sabatino said there are ephemeral streams
202 throughout the property. Those are streams that are dry sometimes and are not
203 jurisdictional streams. Those are being mitigated and that is indicated in the stormwater
204 plan.

205
206 Opacity for landscaping: Mr. Sabatino said the detail is attached to the landscaping plan
207 and it meets the code.

208
209 Screening: Mr. Sabatino clarified that they are not adjacent to residential development.

210
211 Vehicular use area: Mr. Sabatino said additional screening was added there and it
212 exceeds the code.

213
214 Opacity for landscaping: Mr. Sabatino said this has been added to the landscaping plan
215 and it meets the code.

216
217 Vehicular use islands: Mr. Sabatino said dimensions of the islands have been added.

218
219 Service structures/trash/dumpsters: Mr. Sabatino said those items will be screened and
220 that they comply with the code.

221

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222 Lot widths: Mr. Mann said sheet 3 states the dimensions of the lot width is shown as
223 1900' and the depth is 579' for lot #1. This was not a change to the plans but simply a
224 clarification.
225

226 Setbacks: Mr. Mann said the two sheets distributed tonight show that a 120' setback was
227 added to the buildings just to the west of Plunkett Road. Ms. Kaplan asked whether there
228 is a 120' setback on the northeast corner. Mr. Mann said it is a maximum setback and
229 they must be within it.
230

231 Minimum side and rear setbacks: Mr. Mann said an indication of 80' was added and it
232 can be seen on the drawings at the rear of the building and sides.
233

234 Typical sections for the roadways: Mr. Mann said this shows the standards that meet the
235 requirement of the Delaware County Engineer of 30 years, which exceeds the
236 requirements.
237

238 Parking islands: Mr. Mann said this is highlighted on the first sheet, and the size and
239 setbacks of the islands are indicated.
240

241 Sidewalks and shared use paths: Mr. Mann said the sidewalks are now connected. Each
242 building that has a sidewalk on the side is now connected to the sidewalk on the front.
243

244 Dimensions for internal islands: Mr. Mann said these have been added.
245

246 Fence detail: Mr. Mann said the fence detail for the screening of the loading and trash
247 compactor area has been included, and there will be a fence at each island in that area.
248 Ms. Brown asked whether there would be screening on all three sides. Mr. Mann said
249 there would only be on one side since they are recessed.
250

251 Ms. Brown asked about green space. The application indicates it has 31.28% open space
252 and that it meets the requirements. She asked the applicant to point out the location on
253 the map. Mr. Sabatino pointed it out. Ms. Kaplan said the application requests a
254 rezoning of 30.85 acres and it does not include the center space. Mr. Sabatino said three
255 parcel numbers are listed. The entire parcel is being rezoned, with this being the first
256 phase and the buildings are being constructed on a speculative basis based on market
257 conditions, and then they will come back when they know the future users. Ms. Kaplan
258 said if that area was called out as green space, it could not be developed in the future.
259

260 Mr. Mann pointed out a designated wetland, and he said the green space includes the
261 detention pond and the stormwater management, and he pointed out other areas on the
262 map. Mr. Sabatino pointed out a future industrial area and a "substantial piece of green
263 space." Ms. Kaplan said that did not seem to be included in the acreage that has been
264 requested for rezoning. Mr. Sabatino said that was inaccurate and that there are 69 acres.
265 Ms. Kaplan said he is not requesting rezoning for all of that. Mr. Sabatino said he is
266 requested zoning for part of it and will come back for the rest later. Ms. Kaplan said she
267 cannot see where the boundary lines are, what the acreage is, and what exactly he is
268 requesting to be rezoned.
269

270 Ms. Shields said a map shows lot 1 as 30.846 acres, and that is what is shown on
271 application for the BIO. Mr. Sabatino said that is being used as where the buildings are,
272 but the open space adjacent. Ms. Kaplan said that would need to be included in the
273 rezonings. Mr. Sabatino said he would have to amend his application to reflect that. He
274 said the entire parcel is indicated in the BIO cloud and that is what he is requesting as
275 industrial, and he is here with the final plan for these four buildings, inclusive of this
276 open space. He does not know what he is going to do with the rest of the site.

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277 Ms. Kaplan said future parcels cannot be included in this application as open space. She
278 does not see where the 31% open space is.

279

280 Ms. Shields said they cannot double dip for the green space. Mr. Sabatino said the
281 calculations are for the entire site and he will provide clarity for that. Ms. Brown said she
282 would like to see how they are considering green space for the other side when there is a
283 road going through it. The intent of green space is that it is part of the entire picture and
284 is usable. Mr. Sabatino said it is because the entire site is industrial and they are
285 connected via a multi-use path and sidewalk. It is separated by the public road. Ms.
286 Brown said the green space has to be included in the parcel being rezoned now; it cannot
287 be included in an area to be zoned in the future.

288

289 Ms. Kaplan said they are not hearing the future parcels tonight so future green space
290 cannot be considered.

291

292 Ms. Brown thanked the applicant for the sign information, and she asked what the colors
293 would be. Mr. Sabatino said they will be earth-tones. Ms. Brown asked that be
294 specified in the text as well as the materials.

295

296 Ms. Sloas said removing the red color from the building had been discussed. She asked
297 whether the windows would be reflective, as those are not permitted in the BIO text. Mr.
298 Sabatino said they would not be. Ms. Sloas asked that that be indicated in the text rather
299 than having to interpret a picture. Ms. Brown agreed that text be indicated in the
300 application throughout prior to this going to the trustees.

301

302 Ms. Kaplan said that section 19.30 of the BIO discussed the intent of the open space and
303 she suggested they review that section. The township feels green space is important.

304

305 Ms. Shields asked what the green space is for just this lot. Mr. Mann was not certain but
306 said perhaps a couple of acres next to 36/37 and the 30' strip along the perimeter. Ms.
307 Shields said there should also be 15% green space in front of the buildings. Mr. Mann
308 asked whether the BZC interprets that the front of the building must face the front of the
309 lot, or could it be another face such as a side load garage on a home; is the front where
310 the front door is, or where one drives in? Ms. Kaplan said the text indicates that the front
311 of the building #1 faces 36/37. For buildings 2, 3 and 4, there is plenty of road.

312

313 Mr. Sabatino said this is the BZC's and ARB's first review of such a project and he
314 understands they would like to be as diligent as possible. There are many things in the
315 BIO text that are tough not just for them, but for anybody. Ms. Kaplan said she did not
316 think anything is insurmountable and there will be a lot of dialogue. She said the BZC
317 would like to see this developed, just as the applicant does, and they will get there.

318

319 Ms. Brown said during the hearings for the BIO and the BCO, there was much discussion
320 about 36/37 being the gateway for the community. Her interpretation of what it was
321 meant to be was that as people drive through the main gateway on 36/37 into Berlin
322 Township from Delaware, they want the façade to be pleasing. Her opinion is that the
323 front of the building would face 36/37. Mr. Mann said the front of building #1 does face
324 36/37.

325

326 Ms. Sloas asked whether the parking would be in the front, as the BIO text states the
327 parking would be on the sides and the rear, for a clean look. Mr. Sabatino said there is a
328 lot of screening provided for the vehicular use area. He asked whether they want vehicles
329 or dock loading to be more visible to the public.

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Public Comment

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334

335 Richard Newell, 160 Lackey Old State Road, said green space was discussed, and he
336 asked whether that would include water such as ponds, or just land. Ms. Kaplan said a
337 minimum of 15% should be devoted to central green space and shall serve as useful green
338 space, and shall not include retention, detention or other stormwater purposes, which
339 means some can include water.

340

341 Mr. Newell said if the buildings are divided up, there would need to be an entrance on the
342 side. Ms. Sloas said if that is done, it is a change and they would need to come back for
343 approval. Mr. Newell asked if the BZC approves this application and they can use the
344 property as they want, why would they need to come back?

345

346 Mr. Newell said they would have to make more dock space if the use is changed to 3 uses
347 per building. The frontage should be considered as 36/37 and not Plunkett Road because
348 their addresses will be something like 1-12 but not if these filter down into 300' long
349 individual buildings.

350

351 Mr. Newell asked whether there were any stipulations on what kinds of hours the
352 industrial portion of the development would operate, and also what kinds of hazardous
353 materials could be used on site. He was also concerned that the green space would not be
354 adequate, and also about the location of the green space.

355

356 Ms. Brown said regarding the chemicals, a lot of work was put into the uses and NAICS
357 (North American Industry Classification) codes were included as the types of permissible
358 uses.

359

360 Mr. Sabatino said regarding the truck loading spaces, the buildings are designed to be
361 divisible if needed but they believe they will fill the buildings with single users. The
362 capacity for the truck loading spaces is sufficient for one user of 120,000 SF or 4 users of
363 30,000 SF each, so additional dock spaces would not be necessary.

364

365 Ms. Shields asked for a larger drawing. Mr. Sabatino said he could send one to her.
366 Mr. Newell asked about the hours. Ms. Sloas said there are quiet hours between 10:00
367 PM and 6:00 AM every day. The zoning inspector can be contacted for violations.

368

369 Mr. Newell said he did not think it was warranted to have twice as many lower lamps or
370 one higher lamp for lighting. Mr. Sabatino agreed.

371

372 Charles Roddy, 330 Lackey Old State Road, said he is right next to Reed Parkway. If
373 there are 48 trucks at the buildings, would there be any restrictions on them going down
374 Reed Parkway to exit out onto Lackey Old State Road, or will they be forced to go to
375 36/37.

376

377 Mr. Mann said the traffic study assigned all of the truck traffic to Plunkett Road at 36/37.
378 That provides additional movements at that location. They cannot stop trucks to use
379 public roads, but they can encourage them to use the roads they want them to use by
380 making them as easy as possible to get in and out. He is going to provide a left-in to
381 Plunkett Road from 36/37, a right-in/right-out from Plunkett Road, and also an R-cut for
382 their driveway. All traffic movements in any direction will be available through that
383 intersection and truck traffic will want to use it due to ease of use.

384

385 Mr. Roddy said it is getting more and more difficult to get out onto Lackey Old State
386 Road, and that the county put a 45 MPH speed limit on it. There is going to be a water
387 tower and a pump station, but there seems to be no consideration on getting another road

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388 before all of that is developed. Mr. Mann said he could guarantee that Reed Road will be
389 35 MPH, and so will Plunkett Road after there is development.

390

391 Eric Rickabaugh, 244 Lackey Old State Road, said he was concerned about traffic and
392 safety, which is already crazy busy on Lackey Old State Road and 36/37. Now they are
393 talking about adding 4 industrial buildings and also the apartments. All of the trucks and
394 residents will use those two exits onto 36/37 and Lackey Old State Road. He recently
395 tried to have the speed limit reduced from 55 MPH in front of their home but was
396 rejected.

397

398 Mr. Rickabaugh said he is also concerned about water runoff. The creek separates their
399 property and the subject property. When there is a lot of rain, that creek swells and
400 comes very close to his house. He has received assurances that they cannot make the
401 drainage any worse than it is, but he is not assured. A housing development behind a
402 neighbor's home ruined her property and she had to take legal action to repair her
403 property, which is costly and time consuming. The R-8 zoning is a big mistake.

404

405 Debbie Rickabaugh, 244 Lackey Old State Road, showed photos of the creek when it
406 floods. Some of the BZC members expressed shock at the photos. During heavy rains,
407 she said, it floods even more. The water is about 10' from the natural drainage. Ms.
408 Kaplan noted that there will be nearly half a million square feet of runoff that will need to
409 be handled and she hoped the development would improve the existing situation.

410

411 Mr. Mann said there are multiple options depending on where the land drains to today.
412 The developer must intercept all of the offsite drainage and get it through the site, in
413 addition to monitoring and retaining the water than lands on the subject property so that
414 the discharged water from this site does not exceed the pre-development one-year storm
415 levels. Much of the water will land and go into the ponds, which fill up, then the ponds
416 slowly drain down. The result is that the water, including that which goes underneath
417 Lackey Old State Road, will be less in the future than it is today.

418

419 Mr. Roddy said that is the flood zone. He pointed it out on the map. If there is an
420 emergency and they have to back it up, they use the reserve area to store the water. If that
421 happened, where would the water go? Mr. Mann said there is no additional water; the
422 water that is landing on the pavement is going into the ponds they are building. The
423 current situation where it could flood could be alleviated by the drainage on this
424 development.

425

426 Mr. Newell asked what the capacity of the retention ponds. Mr. Mann said they would
427 hold the water from a 100-year flood and he explained it further.

428

429 Jeff Parker, 220 Lackey Old State Road, said when it rains and the ground cannot take
430 any more, it will run off. When buildings are built and there is a lot of rain, it runs
431 immediately. He is concerned about the traffic from the 386 homes as well as the
432 workers.

433

434 Mr. Parker said that township officials have put a lot of time into planning their
435 community before he bought his home about what the community wants and needs and
436 what they would like to see. It bothers him when variances are being requested. For
437 example, when he moved in, he learned he was not allowed to have chickens. At first, he
438 was not happy about it. However, he then realized that those rules protect him and
439 everybody else from each other. He has lived where there are no rules and there are no
440 such protections.

441

442 Mr. Parker said that less is best, and the variances are not necessary.

443

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444 Ms. Rickabaugh said the neighbor her husband mentioned earlier lives on 10 acres and
445 backs to The Pines. She has lived there for 30 years with no issues. After The Pines was
446 built and the large retention pond, all the water came down and landed in her pond. . She
447 had 200 truckloads of sludge pulled out of the pond, and all of the wildlife died. It
448 eroded her pond and took \$1,000's to repair the pond.
449

450 Edie Parker, 200 Lackey Old State Road, asked whether the BZC members had visited
451 the site. She said traffic is very heavy in the area already, and she fears being rear-ended
452 on a daily basis. She asked that when variances are being considered that the BZC
453 consider the long-time residents and their safety.
454

455 Aaron Winberry, 420 Lackey Old State Road, said Reed Parkway is directly to his north.
456 When he pulls out of his common access drive of five homes, he has to wait just to turn
457 out. The additional 387 residential units and employee vehicles will make traffic much
458 worse, and Reed Parkway will get really backed up.
459

460 Mr. Sabatino said substantial changes have been made to the multi-family plan,
461 specifically regarding density, and that hearing will be on 3/21/23/
462

463 Mr. Sabatino said this mixed-use project will be the gateway to the Berlin Industrial
464 Overlay. These parcels and this project were selected to be the gateway by the township,
465 and by the county and Del-Co to place the utilities sanitary sewer lift station, and the
466 water tower. He has worked to create a remarkable site for the multi-family and
467 industrial sites, given the restraints on the sites.
468

469 Mr. Sabatino said some of the items are not variances but instead mistakes in the code
470 that need to be corrected, such as the parking issue. The other point of contention is the
471 two loading docks per building, which also appears to be a mistake in the code. If it is
472 not, anybody who comes before the BZC will need a variance. This will be a beautiful
473 development.
474

475 There was a five-minute recess. Hearing was returned to session.
476

477 Mr. Sabatino said the parking spaces, loading zones, and open spaces are the remaining
478 issues. He did not think he needed a variance for these items, but they will take the
479 BZC's recommendation to request variances.
480

481 Mr. Sabatino said regarding the open space, they can include the open space on the future
482 lots, or they can request a variance. They still intend to have a total open space that
483 exceeds the BIO requirements.
484

485 He would like to request a vote.
486

487 Ms. Kaplan noted that the application will go to the trustees after the vote.
488

RESOLUTION 2023.02.28.#A: APPROVE BBP-001

491 Ms. Kaplan made a motion to approve application BBP-001. Ms. Sloas seconded the
492 motion.
493

494 Vote: Kaplan, no; Sloas, no; Brown, no; Shields, no. Motion failed to carry.
495

496 There was a discussion about when the trustee hearing would be held. It was determined
497 it would be a minimum of 14 days from now and most likely longer.
498
499

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO 43015

**REGULAR MEETING
FEBRUARY 28, 2023: 7:00 PM**

AGENDA ITEM: OTHER BUSINESS

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The next BZC meeting will be on Tuesday, March 14, 2023 at 7:00 PM.

There was no further business to come before the BZC. Ms. Kaplan made a motion to adjourned. Ms. Sloas seconded the motion. Meeting was adjourned.

Jerry Valentine, Chairperson

Darcy Kaplan, Vice-Chairperson

Angela Brown, member

Jenny Sloas, member

Keith Goshia, member

Jasper DeChristoper, 1st alternate member

Tara Shields, 2nd alternate member

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