

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO 43015

REGULAR MEETING

TUESDAY, SEPTEMBER 26, 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, Jenni Sloas, Angela Brown,
6 BZC 1st alternate Jasper DeChristopher (seated).

7
8 Also present: Zoning Inspector Jake Bon, Zoning Secretary Cathy Rippel, Zoning Clerk
9 Lisa Knapp.

10
11 Not present: BZC member Keith Goshia, BZC 2nd alternate Tara Shields.

12
13 Ms. Kaplan read the BZC's adopted meeting rules.

14 **AGENDA ITEM: PROOF OF PUBLICATION**

15 Ms. Knapp said this hearing was advertised in the September 13, 2023 Delaware Gazette
16 as a regular meeting, as follows:

17
18 *BZC 18-002, filed by AAT Properties Ltd, c/o Coughlin, P.O. Box 1474, Pataskala, OH*
19 *43062. The applicant is applying for a Final Development Plan, Parcel's #418-330-01-*
20 *079-000, 5600 Columbus Pike, Lewis Center, OH 43035; & 418-330-01-080-000, 31*
21 *Hyatts Road, Delaware, OH 43015, 3 ± acres, for the development of a*
22 *commercial/office center known as Hyatts Plaza.*

23
24 **AGENDA ITEM: APPROVAL OF MINUTES**

25
26 Mr. DeChristopher made a motion to approve the minutes from the 9/12/23 BZC meeting
27 as presented. Ms. Brown seconded the motion. There were no objections.

28
29 **AGENDA ITEM: BZC 18-002, FINAL DEVELOPMENT PLAN**

30
31 John Oney, architect for the project, 49 E. 3rd, Columbus, Ohio presented the plan.
32 Attorney Connie Klema, P.O. Box 991, Pataskala, attorney Scott McClintock, 6290
33 Taylor Road SW, Pataskala, who is overseeing the development, and civil engineer Brian
34 Wood, with ADR, 88 W. Church St., Newark, were also present to answer questions.

35
36 Mr. Oney said the packet indicates minimal changes from the original submittal of the
37 preliminary development plans, which are related to final engineering; nothing
38 substantial has changed. The building is still 60' wide by 240' long, and the number of
39 parking spaces have increased from 102 to 103. For the utilities, they were able to
40 relocate the 6" gas line to the perimeter, so that changed from the original submittal.

41
42 Mr. Oney said the original submittal showed a detention basin in the southwest corner.
43 Now, everything will be contained underground in the paved area due to a change in the
44 code. It will be more expensive, but it was necessary.

45
46 Mr. Oney said regarding divergences, they have remained the same since the preliminary
47 development plan was approved.

- 48
- 49 • On the northern property line, the hedge height was reduced from 6' to 3', and the
50 15' buffer was reduced to 10'.
 - 51 • Along Route 23 and along Hyatts Road, the 6' hedge was reduced to 3'.
 - 52 • The minimum lot size was reduced from 10 acres to 3 acres.
 - The wall signs were increased from 15" to 17' 4" to the top of the wall signs.

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53 Mr. Oney said there had been discussions regarding an electronic digital reader board
54 sign, but that was omitted from the plan.

55
56 Mr. Oney said regarding building lighting, there are still four light poles. The building is
57 still 60' by 240' with two potential drive-throughs and a potential of 10 tenants. The
58 elevation and building heights of 19', 20' with the stone caps, did not change. The
59 exterior materials of canvas awnings, efis, manufactured stone and storefront glass ,as
60 well as the color palette, have not changed from the approved plan.

61
62 Mr. Oney said there are still two ground signs, one facing Hyatt Road and one facing
63 Route 23. The signs will be illuminated internally. The building signs will be all
64 individually-channeled letters, and they will be internally illuminated.

65
66 Mr. Oney said the development text is consistent with what has been approved, with a
67 few minor changes. The uses remain the same.

68

69

Commission Consideration

70

71 Ms. Brown asked whether tenants have already been secured. Mr. Oney said the owner is
72 in discussion with tenants, but nothing has been decided yet. Ms. Brown asked how high
73 the advertising board would be. Mr. Oney said they are the same as submitted on the
74 development plan and he is not requesting any divergence for height, width or sign area.

75

76 Ms. Sloas said the digital board was controversial and she was glad to see it omitted from
77 the plan.

78

79 Mr. DeChristopher asked about the timeline for the project. Mr. McClintock said the
80 plan was to deal with utilities and setting the site up in Spring 2024. As soon as the
81 sitework is completed, they would move right into the building side of it.

82

83 Ms. Kaplan said she is the only Commission member who was here for the original
84 hearing. She said on the drawing, potential outdoor spaces are delineated, and she asked
85 whether the applicant was committed to those, or was waiting to see who the tenants
86 would be. She said that would change the square-footage of the plan. Mr. Oney said the
87 patios were potential but not guaranteed. Post-covid, the drive throughs are priorities and
88 what people want.

89

90 Mr. Oney said a small patio with a few tables could be built and it is nice to have that
91 flexibility. Ms. Kaplan said she thought because it was the final development plan they
92 would know one way or the other. Mr. Oney said it is represented both ways on the plan.

93

94 Ms. Kaplan said she reviewed the lighting specifications, which are very detailed. The
95 township requires downlighting, and she asked whether light pollution would be created
96 for nearby residents. Mr. Oney said "no" and that they are all downlights, and the
97 included specifications show zero light pollution at the property line. There will be
98 internally-illuminated signs on the side of the building, and below that will be an
99 external, wall-mounted fixture that will help give some "glow" to the sidewalk area
100 below. There will be awnings with light shining down as well.

101

102 Ms. Kaplan said regarding the traffic study from 2018, Route 23 is a congested
103 nightmare. She asked about an updated traffic study from 2023. Mr. Oney said the area
104 did not change. Ms. Kaplan said the conditions have changed, although traffic is outside
105 the township's purview. Mr. Wood said the county engineer has been reviewing the plan
106 and he believes an update was necessary. He believes it still falls within the 20-year
107 growth rate projections.

108

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109 Public Comment

110

111 There were no comments from the public.

112 **RESOLUTION 2023.09.26.#A APPROVE FINAL DEVELOPMENT PLAN**
113 **FOR BZC 18-002, AAT PROPERTIES, LTD.**

114 Ms. Brown made a motion to approve the final development plan for BZC 18-002. Ms.
115 Kaplan seconded the motion.

116

117 Vote: Brown, yes; Kaplan, yes; DeChristopher, yes; Sloas, yes. Motion carried.

118

119 Due to former chairperson Jerry Valentine's resignation, new elections for chairperson
120 and vice-chairperson were held.

121

122 Election of BZC Chairperson for Remainder of 2023

123

124 Ms. Brown nominated Ms. Kaplan to serve as chairperson for the remainder of 2023.

125 Ms. Sloas seconded the motion.

126

127 Vote: Brown, yes; Sloas, yes; DeChristopher, yes; Kaplan, yes. Motion carried.

128

129 Ms. Kaplan was elected chairperson for the remainder of the meeting and for the
130 remainder of 2023.

131

132 Mr. Valentine said Mr. DeChristopher has not been appointed by the trustees as a regular
133 BZC member yet.

134

135 Election of BZC Vice-Chairperson for Remainder of 2023

136

137 Ms. Brown nominated herself to serve as vice-chairperson for the remainder of 2023.

138 Ms. Kaplan seconded the motion.

139

140 Ms. Brown was elected vice-chairperson for the remainder of the meeting and for the
141 remainder of 2023.

142

143 Vote: Brown, yes; Kaplan, yes; Sloas, yes; DeChristopher, yes. Motion carried.

144

145 Ms. Brown asked that BZC members and others spread the word about the soon to be
146 available BZC alternate position.

147 **AGENDA ITEM: DISCUSSION REGARDING REVISION OF ZONING RESOLUTION**

148 Mr. Valentine said the trustees approved the Comprehensive Land Use Plan last night.
149 He and Mr. Bon have been discussing the revisions the trustees would like to see to the
150 zoning resolution, as well as their changes, and changes to the residential districts. He
151 provided a rough spreadsheet with areas to be reviewed. He asked the BZC to look at the
152 spreadsheet between now and the next meeting and to provide feedback.

153

154 One Step Versus Two-Step Zoning Process

155

156 Mr. Valentine said the trustees would like to change from the current two-step rezoning
157 process to a single-step process. Flowcharts were provided. His opinion is that it works
158 well now with the informal process. Berlin Township now has a system for automated
159 applications, with the requirements that all information is provided. He found little
160 difference in the two methods other than the preliminary development plan.

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161 Ms. Kaplan said her objection to that is that the township has had some very large
162 rezonings such as The Pines and Evans Farm. When developers come in for their final
163 development plan approval, the township can look at the plan and examine it with a very
164 critical eye to ensure it is what the township really wants. If the township goes to the
165 one-step plan, that opportunity is lost. Also, there would most likely need to be
166 additional BZC hearings for that purpose.

167

168 Mr. Valentine said that Orange Township has a one-step process. Ms. Kaplan said when
169 she started here, the one-step process was available, but things were falling through the
170 cracks, so that option was eliminated. Mr. Valentine said that trustee Ken O'Brien had
171 wanted to change to the two-step process only, but he now agrees with the one-step plan.
172 Ms. Kaplan said that Mr. O'Brien told her that he believed that the two-step process kept
173 smaller developers away because a very large outlay of cash was necessary. However,
174 now mostly large developers are coming in, so he has changed his mind.

175

176 Ms. Kaplan said she likes the two-step process because it provides an opportunity to be
177 more thorough. Ms. Brown agreed.

178

179 Ms. Knapp noted that one caveat of the one-step process is that, because it is all approved
180 at once and there are no time limitations for development, a developer can come back
181 years later and build an approved use that no longer fits with the character/nature of the
182 area. This happened in Orange Township where, over a decade after the original zoning,
183 an adults-only hotel was proposed adjacent to residential development and had to be
184 approved even though the township and zoning resolution had changed.

185

186 In another development, a gas station was permitted adjacent to residential development
187 for the same reasons. Both were objected to by the residents, but had to be approved. The
188 two-step process includes plan expiration dates and would prevent that situation, although
189 it may be possible to limit that in the one-step process as well.

190

191 Review 25.06 Sign Code

192

193 A handout was provided to review for the next discussion.

194

195 Landscape Section Review

196

197 Solar Panels

198

199 A handout was provided to review for the next discussion. Mr. Bon said information has
200 been received from the Ohio Township Association regarding this. He said the
201 regulations would not apply to roof-top mounted panels, and the main focus would be to
202 conform to the side and rear-yard setbacks.

203

204 Efis Material Use in Sections 15.05 and 19.05

205

206 Mr. Bon said the language is inconsistent between these two sections and should be
207 discussed.

208

209 Landscaping

210

211 Mr. Valentine said Concord Township hired an attorney to write their standards.
212 However, a possible pitfall of that is that every time a discussion occurs regarding that,
213 the same attorney needs to be consulted to interpret it. He would like to keep it as simple
214 as possible.

215

216

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217 Off-Street Parking

218

219 Mr. Bon said issues such as mulch and stone being placed on roads instead of in
220 driveways should be addressed, as well as parking on cul-de-sacs. Mr. Valentine said
221 there is a section regarding brick that needs to be clarified. He said regarding the
222 determination of the BZC as to whether a requested change is major or minor, Trustee
223 Raehl would like the resolution to be changed so that is determined by the trustees.

224

225 Update Section 24.07

226

227 Update Zoning Staff and Teams

228

229 Review Article 19 (BIO)

230

231 Review Article 15 (BCO)

232

233 R2, R3, R4: Review for Ambiguities

234

235 Mr. Valentine said that R-4 is 1.50 density, and the other is 4. He would like to see the
236 names be consistent and simple.

237

238 Accessory Building Definition

239

240 Mr. Bon said there have been some issues with pools, which are not included in
241 accessory uses, although they are accessory uses, and he would like to clarify that, along
242 with the required setbacks, and other accessory uses. This would be included in the
243 general regulations, as well as within each individual section of the zoning resolution.

244

245 20,000 SF Minimum Lot Size in R3

246

247 BIO and BCO Parking: Check and Clarify

248

249 Side Load Garages

250

251 Mr. Bon said he spends a lot of time comparing the minutes versus the approved plan,
252 and there are some discrepancies between what was stated and what was approved. He
253 suggested putting the regulations into the zoning resolution, including R-2 and R-3, so
254 they can be enforced.

255

256 Ms. Kaplan asked about adding the requirement that inlet/outlet pipes for retention ponds
257 would have decorative stone facing rather than concrete.

258

259 Ms. Kaplan asked whether parking was permitted along 36/37 in the BCO/BIO sections
260 in Sections 15 and 19. She would like some clarity provided, and it appears there was a
261 typo in 19.36. Mr. Bon said clarification would be provided and discussed. Ms. Kaplan
262 said perhaps an alternative to allow parking in the front with extra screening could be
263 permitted.

264

265 Ms. Kaplan asked that parking space be defined for multi-family developments. There
266 was additional discussion.

267

268 Ms. Kaplan said in Section 19.30, regarding open space, 15% open space not including
269 detention/retention and stormwater, she feels that has been taken advantage of. The
270 expectation for usable open space should be defined, especially in Sections 15 and 19.

271

272 Mr. Valentine said the zoning resolution can be reviewed a few sections at a time.

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273 There was a discussion about reviewing “barndominiums,” tiny homes, Air B & B’s, and
274 shipping containers used as homes.

275
276 Ms. Rippel said the process is that a case number will be assigned, a motion will be
277 made, it will go to the Delaware County Regional Planning Commission, then back to the
278 BZC, then to the trustees.

279
280 Mr. Valentine asked the BZC to review the provided information in advance of the next
281 meeting, where it will be discussed.

282 **AGENDA ITEM: OTHER BUSINESS**

283 Ms. Kaplan said the next BZC meeting will be on Tues. October 10, 2023 at 7:00 PM.

284
285 There was no further business to come before the BZC. Ms. Kaplan adjourned the
286 meeting.

287
288
289 _____
Darcy Kaplan, Chairperson

290
291
292 _____
Angela Brown, Vice-Chairperson

293
294
295
296 _____
Jenny Sloas, member

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298
299
300 _____
Keith Goshia, member

301
302
303
304 _____
Jasper DeChristopher, 1st alternate member

305
306
307
308 _____
Tara Shields, 2nd alternate member

309
310
311
312 Attest: _____
313 Lisa F. Knapp, Berlin Township Zoning Clerk