

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO 43015

**REGULAR MEETING
TUESDAY, APRIL 13, 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, Mike Bardash, 1st alternate Christina Littleton (seated), 2nd alternate Angela Brown.

Not present: BZC member Martin Johnson.

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: APPROVAL OF MINUTES

Mr. Flaherty made a motion to approve the minutes from the 3/23/21 BZC meeting as presented. Ms. Kaplan seconded the motion.

Vote: Flaherty, yes; Kapan, yes; Bardash, yes; Valentine, yes; Littleton, yes.

Motion carried, minutes were approved.

AGENDA ITEM: BERLIN BUSINESS PARK REVIEW BY ROB PLATTE

Mr. Flaherty said the efforts for the Berlin Business Park have been going through the procedures for a couple of years, many public meetings were held, and the Park was approved. Since that time, there have been some changes, and tonight the BZC will hear the updates that have been made, where the business park is now in its final approve format, what that means for Berlin Township and the corridor, and for the future of Delaware County.

Mr. Flaherty introduced Rob Platte from the Delaware County Economic Development office, and Holly Mattei with Crossroads Community Planning.

Mr. Flaherty noted that the business park has already been approved, and this is just an overview of changes to the business park from the time the BZC recommended approval, and final approval by the township trustees. The Park is an 1800-acre plat of land along 36/37 made up of multiple parcels with many owners. The township has approved and placed a “cloud” over the property, which is a toolkit/option for developers who wish to utilize it.

Mr. Flaherty said property owners can still go through the normal approval process, but they can also use the cloud to set up their zoning in a manner that is controlled, and eliminates the need to approve hundreds of zoning application. Within the Park, there are 543 acres of light industrial, of 658 of commercial residential, 110 acres of professional research/office mixed use, and 479 of professional research/office/commercial/residential mixed use.

Mr. Flaherty said the target price range is \$50-75,000 per acre, although that is subject to the market. Electric, gas, water and fiber infrastructure are being implemented. The Park will be an asset to the community and will expand the economic tax base, helping to balance the tax base between commercial and residential uses, which is the key to longterm success and being able to provide the amenities Berlin Township wishes to provide for its residents.

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55 Mr. Valentine said property in the area of 3 B's and K Road and 36/37 has been put in the
56 cloud, and there were discussions of Sunbury annexing property in the same vicinity. He
57 asked whether the Park would help keep those areas in Berlin Township. Mr. Flaherty
58 said there are three zones including that area, and each have their own features. He asked
59 Mr. Platte to touch on the annexation potential as well and how the cloud affects it.

60

61 Mr. Platte noted that Ms. Mattei is the consultant who was brought on board as the
62 zoning process for the Park was finished up. He said this process was started in May
63 2019, and the plan was approved by the BZC on 10/29/19. It was before the trustees in
64 February 2020, and the industrial and commercial overlays were wrapped up by the end
65 of that year. Much time was spent on the process and some changes were made.

66

67 Mr. Platte said architecture and designs standards were created. The industrial overlay is
68 on the west, and the commercial is located on the east. It started with about 2000 acres
69 and ended up with about 1790 acres. He displayed a map of the overlay and reviewed
70 some of the changes that had been made.

71

72 Mr. Platte said the Berlin Industrial Overlay (BIO) is located on the western side, and he
73 noted that not all portions of it will end up as an industrial use; some may be commercial
74 uses. Meetings with residents included a review of the NAICS use codes, and some code
75 were removed per the request of the residents. Applicants may still request certain uses,
76 and that would require the standard zoning review.

77

78 Mr. Platte said those uses can be pulled down on the property via the cloud overlay if the
79 owner wishes to do so, and all requirements in the plan must be adhered to. That area of
80 the plan is geared towards the commercial/light industrial type uses, and buffering will be
81 required against existing residences along curve Road around Lackey Old State, and
82 around Plunkett Road, where condos will be built. There will be a
83 commercial/residential mix where there were existing residents, and a 250' buffer in that
84 area.

85

86 Mr. Platte said nothing was added to the NAICS codes, and some were removed. Some
87 of the densities were reduced. Language was added to the prohibited use section because
88 there had been a concern that all possible uses on a parcel need to be disclosed. All
89 potential uses must be called out, and language was also added that indicates that just
90 because there is a conditional use permit granted on parcel does not mean another parcel
91 is entitled to the same.

92

93 Mr. Platte said lot sizes and widths were not changed. There are design requirements for
94 roads, based on the property use. Based on the use abutting the road right-of-way, a
95 certain amount of property is set aside for utilities, landscaping, walking paths, etc. Mr.
96 Platte said a change was made due to comments by residents, which is stair stepping the
97 building heights so that lower-height buildings will be located close to the road. There
98 will be a step-down in building heights towards the road.

99

100 Mr. Platte said the stair-step is set at 250' from the right-of-way, and this is specified in
101 the text. The concept was to have an end-product that is distinguished as Berlin
102 Township. He noted that cupulas and other features were added.

103

104 Mr. Platte said there was a lot of talk about the Architectural Design Review Board
105 (ADRB), which was created by the trustees and members were appointed. As a
106 developer wants to use the overlay zoning, they must first come to the township to meet
107 with the township staff and zoning inspector. This preliminary step will save time, as
108 uses that are not applicable will not go through the process to pull down the cloud.

109

110 Mr. Platte said once the application is submitted, it will go through the procedures, with
111 an additional review by the ADRB. That Board will review the application and

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112 determine whether it meets the architectural requirements of the zoning, and it will then
113 go before the Trustees for review.

114
115 Mr. Platte said the ADRB, the Delaware County Regional Planning Commission, and the
116 county engineer will review the application prior to it coming before the BZC. Appendix
117 A, a list of existing parcels utilized for residential purposes, was added. Those parcels
118 benefit from the 250' buffer.

119
120 Mr. Platte said the purpose is to guide development in a way that is supported by the
121 community that also does not incentivize the property owner to annex out of the township
122 with guideline and standards in place that make it Berlin Township. It repositions the
123 land to provide a commercial tax base.

124 Ms. Kaplan asked whether any developers have expressed interest in utilizing the cloud,
125 and she asked what feedback had been received. Mr. Platte said during the last 3-4
126 hearings, there was some property owners pushback on the 250' buffer against the
127 existing residential uses because they want to develop their property. They requested that
128 the trustees reduce the buffer, but the density was upheld.

129
130 Ms. Kaplan asked whether there was an objection to any particular part of the plan. Mr.
131 Platte said he did not recall specific concerns. He noted that the majority of the
132 properties along Baker Road were intended for professional retail offices or commercial
133 use, and no feedback was received at that point. When the plan went to the trustees, a
134 significant change was made and the development was changed to be a condo-type
135 product and lower-density residential commercial. That did not match the intended use
136 of the property owners, so they decided to do something different.

137
138 Mr. Platte said there were some parcels on the north part of the BCO (Berlin Commercial
139 Overlay) that were removed, and they were slated for the R-4 use. These are the parcels
140 that ended up being in the plan. The mixed-use product was added to the park. He said
141 there could be a retail use on the first floor and commercial/residential use on the second
142 and third stories. However, down the road there may be a building that is only 2 stories.
143 Those items were added to the text.

144
145 Mr. Platte said the R-4 on the north part of the east end was widened and the edge was
146 dropped to the south to reduce the commercial/residential mixed use and increase the
147 buffer area. The R-14 was reduced to an R-10.

148
149 Mr. Platte said originally the NAICS codes were the same for each of the BIO and BCO
150 overlays, but that became confusing, so that was changed. Add-in language for the
151 mixed-use developments were added. A mix of a commercial product with residential
152 was desired in the peninsula area in order to get product with different levels. It seemed
153 that the best way to do that and not overrun the peninsula was to set a maximum of 500
154 units in that area.

155
156 Mr. Platte said the stairstep building height was carried over to the BCO from the BIO.
157 A variety of building height and architecture will be provided and a maximum of 2'
158 height may be added in some areas. This was done in order to incentivize architectural
159 variety, but also maintain control.

160
161 Mr. Platte said the architectural standards are the same. He said that regarding private
162 access roads that are not ultimately turned over to the government, those roads tend to be
163 of lesser quality and deteriorate quicker than if they were built to the county engineer's
164 standards. To address this issue, pavement standards were created.

165
166 Mr. Platte said regarding signage, additional signage and lighting requirements were
167 added. Language for the paths was added; sidewalks must be a minimum of 5' wide in
168 order to meet ADA requirements, and multi-use paths must be a minimum of 10' wide.
169 Utilities will be located underground to avoid future issues. Delaware County has

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170 embarked on a fiber plan which puts in place a requirement for a utility conduit to be
171 placed at the time of construction, regardless of whether fiber is planned.

172
173 Mr. Flaherty said regarding the area adjacent to Sunbury on the east side, he asked
174 whether the cloud would discourage annexation to Sunbury. Mr. Platte said a large part
175 of the intent of the overlays was to discourage the annexation at the eastern and western
176 borders. The density was reduced at the trustee level after the BZC recommendation. An
177 annexation on the southeast side of the development was filed as the cloud process was
178 occurring.

179
180 Mr. Platte said architectural restrictions do not seem to be an issue. The overall issue for
181 developers is economics. He is not aware of whether the developer will stop their
182 annexation in that area. Once the overlays were approved, there was no response from
183 the developer. He noted that Sunbury may allow a density of 18 units per acre.

184
185 Mr. Valentine asked about the proposed interchange in the Africa Road/3 B's and K
186 Road/37-37 area that would knock out the RCD dealership. That area has been included
187 in the cloud, but he has heard rumors it will not happen. Mr. Platte said ODOT intends to
188 build the interchange, but it is a funding/timing issue. He did not believe anything has
189 changed to prevent that. The last discussion he heard involved the phasing and who is
190 contributing what. He noted there could be TIF revenue generated from nearby
191 properties.

192
193 Mr. Bardash said when the BZC was discussing the cloud, there were conversations
194 about losing it to annexation, which is why this Commission settled on the R-6/R-14.
195 That was changed later to R-4/R-10 by the Trustees. If that ends up being annexed, the
196 neighbors who complained about the R-6 and R-14 would then be stuck with 18 units per
197 acre.

198
199 Ms. Brown said she was on the Sunbury zoom meeting in August or September when the
200 annexation was being discussed. She said it was stated on record that the developer and
201 the landowner felt the cloud overlay approval was taking too long, and they thought that
202 even with covid, it took too long. She said she spoke on behalf of Berlin Township at the
203 meeting regarding why the number of units were not what the developer was proposing
204 during the annexation, specifically due to safety and road hazard, and also the impact it
205 would have on Olentangy schools, which are already overcrowded.

206
207 Mr. Platte said his office does not speak for developers or make their decisions. He said
208 they worked through the process and tried to create a product that is attractive to
209 developers, but ultimately, they have the right to do what is best for them.

210
211 Mr. Flaherty said regarding timing, much of that is contingent upon sewer and utility
212 access, which controls large-scale developments. He asked about the timing for
213 development Mr. Platte said it is difficult to predict, but it is three-part question; the
214 timing for new applications to the township, the timing of when the utilities are in place
215 and development is possible, and the timing of buildout. There are many factors.

216
217 Mr. Platte said there will need to be a new water tower built to meet the demand of the
218 Park and that will take a couple of years. Sewer has a similar timeline. However, the
219 cloud overlay will help expedite the zoning review and approval process when the
220 property is utility ready. Suburban Natural Gas is considering bringing gas to the area in
221 the next year, and fiber and electric are already available. Mr. Platte said it is at least a
222 couple of years before anything happens at the Park.

223
224 Mr. Flaherty said this will be a 5-20 year buildout. Mr. Platte said infrastructure builds
225 from the inside out. The key to this was getting the regulations and design standards in
226 place, regardless of the buildout period. This will be a long buildout because it is such a
227 large area and the infrastructure has to keep up with it building out.

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228 Mr. Platte said he is thankful for the process, including the input and involvement that
229 helped guide the cloud overlay, and has helped the plan get to where it is. He said
230 somebody has noted that this plan sets the standard for Delaware County regarding how
231 things are done and also planned ahead of time. This is smart planning. It does not affect
232 existing property owners and their uses, as it is optional overlay zoning. The incentive
233 packages offered to developers can be tailored with different options in a master plan
234 approach, versus the traditional piecemeal approach.

235

236 Mr. Flaherty said he appreciates the collaboration between so many people and entities,
237 and said this stemmed from the involvement of many players over the years. The
238 public's opinion was taken into account during the process, and a good product was the
239 end result. He asked whether there were things that needed to be considered with this as
240 a piece of the overall township zoning. Goals were set earlier this year to update and
241 analyze the township's zoning resolution text and comprehensive land use plan to ensure
242 they match up.

243

244 Mr. Flaherty said southern Delaware County will continue to evolve and grow, and the
245 market is really strong right now. He asked whether there was anything that the BZC
246 should be considering regarding how this fits into the greater scheme of things, not only
247 in the township but also at large in the county.

248

249 Mr. Platte said straight township zoning involving a certain area of the township such as
250 the Old Cheshire area with a certain use and details such as lot size, etc. can be useful.
251 However, the 519.21 A), B) or C) Planned Unit Development is a great tool as it involves
252 planning ahead. So much more can be done with it, including design standards etc. is not
253 applicable in straight township zoning. Both are great tools.

254

255 Mr. Platte said that frequently a B) zoning will be requested with a variation. He
256 suggested that Berlin Township take a look at that. He did not recall seeing type A) in
257 the township's zoning resolution, which is the same thing except it involves not applying
258 the standards to any particular parcel, but instead placing guidelines that indicate that
259 regardless of where you build in Berlin Township, this is what they will go by if they
260 want to use the overlay.

261

262 Mr. Platte said beyond that, he did not have any suggestions. He said his department
263 helped with an overlay zoning for the Route 23 corridor in Orange Township. His
264 department's approach is to get these things in place that will involve going through a
265 similar process. The master plan approach is key; otherwise, they would be behind the
266 eight-ball and it becomes developer-driven. The difference is being at the mercy of the
267 developer's plan versus getting ahead of it and setting standards officials want to see in
268 their community.

269

270 Mr. Flaherty said Berlin Township has been able to learn from surrounding areas and
271 apply that to a large-scale mixed-use development and new urbanism community that
272 they share with Orange Township, as well as the agri-hood concept in one development,
273 and now this. It is a good proactive approach, he opined. The township will continue to
274 evaluate this.

275

276 Mr. Platte said when an applicant comes in, they will go to the zoning inspector, the
277 DCRPC, and the BZC to ensure there are many layers of review and that the development
278 meets the requirements.

279

AGENDA ITEM: OTHER BUSINESS

280 Zoning Inspector's Report

281 There was a discussion about the new payroll system and how it was being set up.

282

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283 Mr. Loveless said there are many new signs, and also new boat violations that he has
284 been inspecting.

285
286 Mr. Flaherty said the next BZC meeting will be a virtual meeting on Tuesday, April 27,
287 2021 at 7:00 PM. Planned for that evening is an informal review of the Berlin Village
288 and Maeve Meadows developments.

289
290 Ms. Kaplan asked whether materials would be provided ahead of time. Mr. Flaherty said
291 it would probably be presented at the meeting. They have an existing approval: the
292 applicant had recently come to the township with a new presentation, and the BZC sent
293 them back to the drawing board. The applicant came back again, were sent to the Berlin
294 Township community for input, and received recommendations and insights from that.
295 They are coming in to discuss informally with the BZC, but they are not asking for a
296 vote.

297
298 Ms. Rippel said there is no new material; the developers plan to informally discuss some
299 ideas. Everybody including the public is invited to attend and provide input. She noted
300 that at the May 11, 2021 BZC meeting, there will be an informal meeting with a person
301 who would like to discuss a data/information center at the business park.

302
303 There was no further business to come before the BZC.

304 Motion to adjourn. Meeting adjourned.

305

306

307

Steve Flaherty, Chairperson

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309

310

Jerry Valentine, Vice-Chairperson

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312

313

Darcy Kaplan, member

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Mike Bardash, member

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319

Martin Johnson, member

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321

322

Christina Littleton, 1st alternate member

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324

325

Angela Brown, 2nd alternate member

326

327

Attest: _____

328

Lisa F. Knapp, Berlin Township Zoning Clerk

329

330