

**BERLIN TOWNSHIP ZONING COMMISSION (BZC)**

*OF DELAWARE COUNTY, OHIO 43015*

**REGULAR MEETING  
TUESDAY JULY 27, 2021 7:00 PM**

**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, Christina Littleton, Angela Brown, Sherry Graham (2<sup>nd</sup> alternate member).

Not present: Jenny Sloas (1st alternate member).

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

Mr. Flaherty noted that by state law, as of June 30, 2021, all meetings must be in person. This meeting is being livestreamed on Facebook, although legally, public comments cannot be accepted via Facebook, but the township is continuing the live stream for transparency, accessibility and visibility purposes for the public.

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 advertised as a regular meeting in the July 10, 2021 Delaware Gazette:

*BZC 21-003 filed by Buckeye Swim Club, 3375 Brentwood Court, Powell, OH 43065. The applicant is requesting to rezone, Parcel #418330-01-002-000, ±5.00 acres and Parcel #418330-01-003-000, ±5.00 acres from Farm Residential District (FR-I) to Planned Commercial District (PCD) 1895 Peachblow Road, Lewis Center, OH 43035 to build an indoor competitive swimming pool and Commerce Center, known as Peachblow Crossing Aquatics and Commerce Center.*

**AGENDA ITEM: APPROVAL OF MINUTES**

Mr. Flaherty made a motion to approve the minutes from the 6/8/21 BZC meeting as presented. Mr. Valentine seconded the motion.

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

Motion carried, minutes were approved.

Mr. Flaherty welcomed the public back to in-person meetings, and stated that this is the first in-person meeting since March 2021. He noted that Ms. Littleton and Ms. Brown had been alternates for 18 months to 2 years, and the trustees have now made them permanent members of the BZC. The new alternate members are Sherry Graham and Jenny Sloas, and he asked for a round of applause for their service.

**AGENDA ITEM: BZC 21-003 BUCKEYE SWIM CLUB 1895 PEACHBLOW ROAD**

*BZC 21-003 filed by Buckeye Swim Club, request to rezone about 10 acres from Farm Residential (FR-1) to Planned Commercial District (PCD) 1895 Peachblow Road, to build a competitive indoor swimming pool and commerce center known as Peachblow Crossing Aquatics & Commerce Center.*

Rick and Laurie Karr, 3375 Brentwood Court, Powell, Ohio, presented the application and answered questions from the BZC.

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52 Mr. Karr said he is requesting to rezone the two parcels from FR-1 to PCD. The use as a  
53 swimming pool, office and locker rooms was conditionally approved by the BZA for  
54 Buckeye Swim Club in 2014, and that included a temporary bubble. Residents did have  
55 concerns about the bubble's height at 52' in the past, so the building being proposed  
56 would include a fully-enclosed pool with a building with additional space for daycare,  
57 healthcare, and other uses included in the application. Mr. Karr said the set back  
58 requirements would be met for both structures.

59  
60 Mr. Karr said the address would be 1895 Peachblow Road for the pool and office space,  
61 and it is on the north side of Peachblow Road. Both parcels abut the CSX and Norfolk  
62 railroad tracks. An audience member interrupted and said the parcels abut their property,  
63 not the tracks. Mr. Karr said that was a small parcel of property in the right-of-way.

64  
65 Mr. Karr said there are residential homes in between the two parcels and Evans Farm,  
66 and he pointed out the new elementary school to the west of Peachblow Road, and an  
67 area that was zoned for additional homes. Mr. Karr showed slides of the subject  
68 property, which is vacant.

69  
70 Mr. Karr showed the renderings of the interior of the building for the swim club that  
71 include a swim school and competitive swimming and is the same size as the previously  
72 approved plan.

73  
74 Ms. Karr said she manages Safe Splash Swim School and Buckeye Swim Club. The  
75 latter has been around for over 30 years and they teach competitive swimming; one of  
76 their athletes participated in the Olympic trials, and some of their graduates have gone on  
77 to national teams and more.

78  
79 Ms. Karr said she is currently operating out of a facility at 161 and I-71 that has seen  
80 better days, and she is seeking to develop a facility for their athletes that is more modern  
81 and spacious.

82  
83 Ms. Karr said she has been managing Safe Swim School for over 5 years now. They are  
84 the largest swim lesson company in the U.S. and Mexico. They have one stand-alone  
85 facility in Columbus and they give lessons in 4-5 other areas here to about 2,000 students.  
86 Swimming is her life passion and work, and she is working very hard to get something  
87 built for the swimmers in Central Ohio. There are only 6-7 high school campus pools for  
88 about 65 Central Ohio swim teams. Drowning is the number one cause of death for  
89 toddlers and teaching children to swim is critical.

90  
91 Ms. Karr said the plan provides a smaller footprint for the sake of the neighbors, and she  
92 has put a lot of thought into how to make this work and how to fit within the community.

93  
94 Mr. Karr said the proposed use of the commercial space is listed in the application and  
95 ranges from medical and dental offices to pharmacies, general business with light  
96 warehousing, sports uses such as competitive swimming, gymnastics, soccer, batting  
97 cages, cheerleading, turf-training, martial arts, climbing walls, trampolines, cross fitness;  
98 daycare, Montessori or other small schools, dance academies, hair salon or day spa  
99 services, office and meeting space, 110' tall cellular tower to handle capacity for the area.

100  
101 Mr. Karr said it is critical to note the lack of pools in the Delaware County area; there is  
102 only one privately-owned pool. There is also the university pool in the City of Delaware,  
103 which limits the use of their pool; the YMCA in the City, and the Liberty Township  
104 YMCA. The proposal includes a lot of community support, including a letter from  
105 Olentangy Superintendent Mark Raiff. All four high schools lack dedicated swimming  
106 facilities, and there is a need for commercial space rather than residential space, which  
107 will provide revenue and property value for the school system and the township. The  
108 value of the property will increase.

109

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110 Mr. Karr said there is a letter from the Berlin High School athletic director, stating their  
111 need for a pool and swimming facilities in the area.

112

113 Mr. Karr said there will be three lane access from Peachblow Road, with two lanes out  
114 and one lane in. He worked with the Berlin Township fire department to ensure it would  
115 provide access to the property by township fire equipment in case of emergency. He  
116 pointed out the main office area in the front and the swim school and competitive swim  
117 facility in the back with the required number of parking spaces for the facility.

118

119 Mr. Karr showed some exterior views of the facility from the submitted packet. Building  
120 1 will be the swim school and competitive swimming and would be 20,000 SF, with a  
121 height of 16'; that is a reduction of the 50' bubble over the pool area that was approved  
122 by the BZA in the conditional use permit, creating a smaller footprint. The building will  
123 be 200' in length, and 100' in width. Building 2 will be 40,000 SF and 400' in length,  
124 100' in width, and 22' high.

125

126 Mr. Karr said all buildings meet the 100' setback from lot lines, all parking is setback 25'  
127 from lot lines, the landscaping on the west side will be landscaped with a mix of  
128 evergreen trees that are 6'-8' in height, with mulch and grass around the property. On the  
129 east side will be the small access road strip so it limits the ability to do landscaping there.  
130 Two play areas are built adjacent to the buildings for landscaping and play area.

131

132 Mr. Karr said the parking details have been included in the packet, and it meets the  
133 required 268 parking spaces as well as the ADA requirements.

134

135 Mr. Karr said regarding a traffic study, given all of the approved development including  
136 hundreds of homes coming into the area, this will create a relatively small impact  
137 compared to that.

138

139 Mr. Karr said the focus for landscaping is on the western component for both lot lines;  
140 the landscaping package has been adjusted, and feedback has been received to enhance it,  
141 including increasing the mounding from 5' to 6'. There will be additional trees and pines  
142 around the retention ponds on the north side of the property and at the entrance, but not  
143 close to the road due to sight distances required for people entering and exiting the  
144 property.

145

146 Mr. Karr said regarding sewer and utilities, there is natural gas, water, sewer and electric  
147 service available. Del-Co Water has a 5" line. The fire department has informed him  
148 that is enough to service both buildings, and that if the pool were to be drained, which  
149 could be up to 2 times per year, a fire watch would be placed on the facility.

150

151 Mr. Karr said that Delaware City Sewer and Delaware County are supportive of a  
152 connection. There are two options for sewer, including temporary that goes under the  
153 tracks and connects at Piatt Road, or they can go through the right-of-way and connect  
154 through the Pulte development. Data and fiber is also available at the CSX tracks. The  
155 letters are included in the packet.

156

157 Mr. Karr said the fire serviceability letter was also included in the packet, and fire  
158 prevention supports the project and the applicant agrees to their requirements.

159

160 Mr. Karr said regarding the project timeline, he would like to get through zoning and  
161 move forward with permitting and construction before the end of the year so that by the  
162 end of the summer the enclosed component of the pool is up and running for the 2022-  
163 2023 season.

164

165

BZC Consideration

166

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167 Ms. Kaplan said she read the Delaware County Regional Planning Commission suggested  
168 that the driveway be moved to the west, and that did not seem to be proposed in the plan.  
169 Mr. Karr said they wanted it to be switched with the retention pond, but he is open to  
170 either concept. His preference is to keep it where it is so the homes to the east have more  
171 buffer, but if the BZC wants to switch it, he did not have an issue with that.

172

173 Ms. Kaplan said also mentioned is the letter from the City of Delaware that states that if  
174 the property is ever contiguous, that it will be required to be annexed to the City. Her  
175 understanding was that on one side is the tracks and the other side is Evans Farm, so it  
176 appears that annexation could never happen.

177

178 Mr. Flaherty said he believed that the City's intention is to allow this property to reside in  
179 the township zoning, and they may support the sewer through the Pulte connection, but  
180 that would be a separate agreement. To his knowledge, the Evans Farm property north of  
181 Peachblow is not being annexed, and the developer may be applying at some point for  
182 some redevelopment.

183

184 Ms. Kaplan said regarding the statement that the property abuts the railroad track, it was  
185 stated that there is an existing driveway that is not part of this property. Ms. Karr said it  
186 is partially on the property and their property line is next to the horse farm property line.  
187 The driveway goes to Peachblow Road.

188

189 Mr. Karr said the survey shows that the gravel driveway is on the subject property, but he  
190 is willing to work to ensure they have access in and out of their property. Ms. Kaplan  
191 asked whether there would be a buffering or a fence there. Ms. Karr said it is a driveway  
192 to access the horse farm property to the north. Mr. Loveless said it is up against the  
193 railroad track.

194

195 Mr. Loveless said that eventually, Evans Farm will be on the other side of the railroad  
196 tracks, looking over the railroad, so that does need to be considered.

197

198 Ms. Kaplan said regarding the list of proposed uses in section 3 of the plan. She asked  
199 whether the NAICS codes should be inserted.

200

201 Mr. Valentine thanked the applicant for increasing the mounding by 2' after the informal  
202 meeting. He was concerned about the 268 parking spaces indicated. Ms. Karr said it  
203 seems to be a lot to her as well, and it was a requirement per the township zoning  
204 resolution. There are 1200 kids per week put through her dedicated facility on Hayden  
205 Run Road, and just 20 spots are used at time.

206

207 Mr. Loveless said it was based on square-footage and was due to the pool area; they  
208 could request fewer spaces in the final development plan.

209

210 Public Comment

211

212 John Eckstein, 2001 Peachblow Road, asked how much traffic would be generated. Ms.  
213 Karr said it would be medical offices and not retail, so not a lot of traffic would be  
214 generated. Swim team and swim school is busy from 3:00-8:00 PM; the team is  
215 primarily drop off, and school is primarily stay.

216

217 Mr. Eckstein said the person who owns the property to the east and north told him that  
218 somebody in the county said he probably couldn't get Peachblow Road access for the  
219 property for the homes he wants to build there, and he asked whether there was an issue  
220 with the access for this property.

221

222 Ms. Karr said there was no issue with the county except for adding a middle lane for left  
223 turns into the facility in the future if necessary as the area develops.

224

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225 Bryan Brant, 1542 Hanover Road, asked whether there would be buses for swim meets.  
226 Ms. Karr said it would not be a “big swim meet facility; it is more of a training facility,”  
227 and that they will not be putting many seats in there. Live-streaming of meets has been  
228 popular and they would most likely be livestreamed with few spectators. However, they  
229 do intend to open the doors to the high schools, who tend to have Friday night and  
230 Saturday morning meets, and there could be some Sunday meets, although not Sunday  
231 morning. That would be a bus coming in with an individual team. Mr. Brandt was  
232 concerned about many buses like what happens at The Chiller.

233  
234 Mr. Flaherty said the proposed uses include medical-oriented uses, martial arts academy,  
235 climbing wall facility, trampoline gyms, cross training facilities, but he was concerned  
236 with the microbrewery beer garden and automotive service. He said the township wanted  
237 to be more local community uses. Mr. Karr said he would strike the automotive uses  
238 from the list. Mr. Flaherty said he would like to hear from the community regarding what  
239 they want.

240  
241 A woman asked how it was decided that swimming would be at the north part instead of  
242 the south part of the property. Mr. Karr said that was because it was originally sited for  
243 the pool complex. The lady said that would seem to create more traffic coming towards  
244 the horses. Mr. Karr said the retention pond is located there as well. Ms. Karr asked  
245 what times were bad for horses. She said they were trying to push the use away from the  
246 homes as much as possible, but she is open to working with all the residents.

247  
248 Ms. Kaplan said that retail would generate more traffic than the swim center. Ms. Karr  
249 said there would be no retail. The construction company proposed the swim facility in  
250 the back.

251  
252 The woman said she was concerned that the horses could get lose from the farm and end  
253 up in the retention pond, and she was not comfortable with that.

254  
255 Mr. Flaherty said BZA approved a large white bubble to be placed over the pool, and this  
256 is different, although it does reduce the height of the project.

257  
258 Mr. Eckstein asked what the applicant intended to do with the elevation of the property.  
259 Mr. Karr said the grade will be brought up slightly. Mr. Eckstein noted that the back end  
260 of the property currently rises, so he was concerned. Mr. Karr said some areas are lower,  
261 so the property will be even. Some areas may change by a foot or a foot and a half.

262  
263 Mr. Flaherty noted that the BZC has no influence on traffic and vice versa, and the  
264 Delaware County Engineer is in charge of that.

265  
266 Ms. Littleton asked whether it would be up to the county engineer to determine whether a  
267 driveway would be located close to the railroad tracks. Mr. Karr said he would be willing  
268 to agree to that if that is what helps get this site moving forward with the construction.

269  
270 Ms. Littleton asked what the hours of operation would be and whether it would be 3:00 to  
271 8:00 p.m Monday through Friday. Ms. Karr said it would be everyday, Fridays are  
272 earlier, Saturdays are all day, and Sunday afternoons. Ms. Littleton asked what the  
273 earliest time would be. Ms. Karr said it would be 5:00 a.m. for the high school use.

274  
275 Ms. Littleton asked whether other schools could use the facility. Ms. Karr said the only  
276 other school district is Big Walnut, although that would be a long drive for their students,  
277 and they would most likely take the facility that Olentangy would abandon for this  
278 facility.

279  
280 Ms. Littleton said the DCRPC had recommended that the building blend in more with the  
281 surrounding structures, and she likes that idea. Currently, the design looks very sterile.

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282 Mr. Karr said he could add in some barn-type features to soften the white/beige stucco.  
283 Ms. Karr said she likes the idea of making the building more of a farm look.  
284  
285 Ms. Littleton asked whether there were landscaping plans for around the buildings. Mr.  
286 Karr said there would be pines and birch trees.  
287  
288 Ms. Littleton asked whether the facility would be open to other community members  
289 besides teams and kids learning to swim. Ms. Karr said she did not think it would be able  
290 to be utilized for open swim, and it is not meant to be a recreation center with open  
291 swims. There could be senior classes in the future, but that would still be a programmed  
292 use. There will most likely not be space for recreational swims, although she is aware  
293 there is a need for that.  
294  
295 Ms. Littleton said regarding the proposed uses, she is concerned about the general  
296 business and warehousing, as it seems vague. Mr. Karr said he could change it to general  
297 business; the reason warehousing is in there is because sometimes it's a small ancillary  
298 part of a businesses. For example, a medical sales office supporting J & J may have a  
299 small inventory of warehousing such as implants, surgical kits, exhibits, seminar  
300 supplies, etc. It is a light warehousing use.  
301  
302 Ms. Littleton said she was worried about the entire facility becoming a warehouse. Mr.  
303 Karr said that was not his intention. Ms. Karr said it was warehousing or manufacturing;  
304 it is just the business' ability to store their product. Mr. Eckstein asked what would  
305 happen if the business plan failed and didn't work out. The neighbors would be stuck  
306 with two buildings.  
307  
308 Mr. Karr said they would have to be within the proposed use or they would need to get  
309 approval from the township. Ms. Littleton asked whether the language could be changed  
310 to make it more specific. Mr. Karr said he could change the language to indicate that  
311 there could be no more than 80% office/20% warehouse. Ms. Littleton thanked him.  
312  
313 Ms. Littleton said regarding the 110' cell tower, the zoning resolution only allows up to  
314 100'. Mr. Karr said he would change it to that.  
315  
316 Mr. Eckstein asked whose choice that would be. Mr. Karr said it would be the provider.  
317 Mr. Flaherty said they are permitted in the township. Ms. Karr said it would look like a  
318 pine tree. Mr. Eckstein asked where it would be located on the property. Mr. Karr said  
319 that is unknown. Mr. Eckstein said he did not want it in front of his window.  
320  
321 Ms. Littleton asked about the compounding pharmacy use. Mr. Karr said that is the term  
322 for making specific therapeutic drugs.  
323  
324 Ms. Littleton asked whether this met the requirement for a maximum of 20% impervious  
325 area. Ms. Karr said it did.  
326  
327 Ms. Littleton asked whether there would be a sign. Mr. Karr said there would be one for  
328 the address and various businesses, and it would meet all the requirements of the zoning  
329 resolution.  
330  
331 Ms. Brown said most of her questions have been answered already. She thanked the  
332 applicant for increasing the buffer to 5'. She asked if there was a way to bring the trees  
333 around the back of the retention pond. Mr. Karr said he would be happy to do that. Ms.  
334 Karr said she could work with the neighboring property owners to see what they want.  
335  
336 Ms. Brown said it would be hard to know how many parking spaces there should be until  
337 the exact uses are known. Mr. Karr said once he has gone through the zoning process  
338 and potential lessees are identified, he can get letters of intent so they will know what  
339 kind of uses are proposed prior to building. There may then be the ability to reduce some

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340 of those parking spaces, and he would be happy to turn that into green space and increase  
341 buffering wherever possible.

342  
343 Ms. Brown asked whether perhaps there could be walking spaces in the green space. Mr.  
344 Karr said the mounding and buffering would probably prohibit a walking space around  
345 the property.

346  
347 Ms. Brown asked about the parking lot lighting. She said she was aware it would have to  
348 meet the code and be downlighting, and she asked whether the lighting would be on all  
349 night. Mr. Karr said he would leave a minimum number of lights on to ensure security,  
350 and they would meet the maximum height required by the zoning resolution. He would  
351 use the energy efficient LED lighting and it would minimize the light pollution to the  
352 neighboring property owners.

353  
354 Mr. Loveless asked that the pine trees be replaced by spruce trees, because as pine trees  
355 grow, their bottom branches become shaded and they die off, resulting in minimum  
356 screening.

357  
358 Leanne Winslow, 1841 Peachblow Road, said she moved here in 2017 and they live at  
359 the south end of the property. She asked why it took from 2014 until now to move this  
360 project forward. Ms. Karr said she needed the backing for it, and with the bubble, they  
361 did not have the backing for it. Also, Mr. Karr was laid off during the pandemic and had  
362 time to help her with the project. Prior to that, it was her driving it by herself while  
363 running her business.

364  
365 Ms. Winslow asked why there is a need for commercial real estate when there is empty  
366 commercial real estate all over Lewis Center. Ms. Karr said that right before the  
367 pandemic hit, she looked for commercial space to place a temporary pool, but was unable  
368 to find any property for that or for the commercial space. All of the commercial space is  
369 gone in this area.

370  
371 Mitchell Brant, 1573 peachblow road, asked why they couldn't just have the pool and not  
372 the office space. Mr. Karr said it makes the pool space financially viable. He spoke with  
373 Delaware County Economic Development; they looked at both Berlin and Orange  
374 Townships, and found that there is a substantial lack of commercial office space that will  
375 accommodate daycare, medical, health, dentist and other uses needed to support the rapid  
376 growing population of the area. 5,000 new homes are coming into Berlin Township, and  
377 the infrastructure and office space to support it is needed. He wants to work with the  
378 community to provide something the community and schools need as well.

379  
380 Ms. Winslow asked whether there is a buffer for the south side, as that is where she lives,  
381 and there would be parking spaces just 25' from her property and facing right at her back  
382 yard.

383  
384 Mr. Mitchell Brant asked whether they had looked for donors for the pool, like Olentangy  
385 did for their turf. Ms. Karr said that was public property; this is a private property, and  
386 there are no donors.

387  
388 Tom Adams, 1795 Peachblow Road, said he also owns 1791 Peachblow Road; both are  
389 adjacent to the subject property. He has been here for 30 years and bought his home 25  
390 years ago. It is zoned farm residential and he wants to keep it that way. Currently, there  
391 are deer grazing in that field. There is residential to the south, east, and north, and there  
392 is no reason to have commercial here. The next nearest commercial property is down  
393 Peachblow Road, where Myers Landscaping is located. That business has been zoned  
394 commercial since before he moved here.

395

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396 Mr. Adams said there is a lot of commercial property located elsewhere. He said this  
397 does not fit in this neighborhood, and he asked the BZC to protect him, his land value,  
398 and his home. Evans Farm will all be residential when it is built.  
399

400 Mr. Adams said he recently retired after 30 years from Verizon, and there is no need for a  
401 new cellular tower in that area. The current technology allows it to be placed on phone  
402 poles, and there is no reason for a 100' tower to be placed in his backyard.  
403

404 Tammy Adams, 1795 Peachblow Road, said in 2016, the applicant was very mindful of  
405 the surrounding properties. She understands the need for growth and for the pool. She is  
406 completely opposed to looking at four bays with commercial buildings and parking.  
407 Residential properties would have less parking area. She is totally opposed to  
408 commercial building right in the middle of horse farms, two young families, and her  
409 home. There is no commercial in the area, and she knew when she moved here 25 years  
410 ago that residential homes may be built, but not commercial. She felt there was plenty of  
411 doctors already.  
412

413 Ms. Adams said it was stated during the conditional use hearings that when the use of the  
414 property ceases to be a pool and swimming as approved, the permit goes away. She  
415 agreed to that business, but not the rest.  
416

417 Amanda Klein, 4324 S. Old State Road, said she and her son have been with Buckeye  
418 Swim Club for almost 8 years, and she can attest that they will be good neighbors. Ms.  
419 Adams said she was not opposed to them, but to the additional uses.  
420

421 Ms. Klein said she is newer to this areas, and she could not have picked better neighbors.  
422 Mr. Adams asked whether there was room in her neighborhood for the development. Ms.  
423 Klein said no, but that she wished there was. She said the BZC did a great job protecting  
424 the neighbors including her when the property adjacent to her was developed. The  
425 property was similar to Mr. Adams at the time, and it was hard to see the trees go down  
426 and the rabbits and deer leave.  
427

428 Ms. Klein said she has taught swim lessons for more than 10 years, and the program is  
429 phenomenal. This facility will serve the facility and will fulfill such a profound need for  
430 the children in this community. The facility will not bring in buses of kids, and  
431 swimmers are a great niche of kids. It is vital that there be a place for these kids. During  
432 the recent shutdowns due to covid, many teams shutdown due to their dependency on the  
433 very few facilities available. Ms. Adams said that was why she was agreeable to the  
434 conditional use being granted. But she does not need a 40,000 SF building that is twice  
435 the size of the swim club.  
436

437 Tyler Klein, 4324 S. Old State Road, said he has been with the Club for 8 years, and not a  
438 day goes by where he does not love what he does. His teammates are like family to him.  
439

440 Mr. Klein said the current conditions are trying to fit 8 swimmers to a lane, and some of  
441 the lanes are closed when the roof is leaking because the pool is so old. This would  
442 create a place for so many swimmers who are interested in giving it a try but are  
443 prohibited now due to space restrictions.  
444

445 Mr. Mitchell said for the record, he and his wife strongly opposed this. She is pregnant  
446 with twins, and if they had known this was being built, he never would have purchased  
447 his property. He does not want his kids to experience the lack of privacy; there are trees  
448 every 6 feet, but one can see right through them and people can walk onto their property  
449 if they want. He asked if the BZC members would want this kind of development to  
450 surround 2 or 4 sides of their own property.  
451

452 Ms. Winslow said the drainage in her area is very bad; her ditch fills up and there are  
453 many related issues. Ms. Karr said the pool water would not increase the drainage on the



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454 property as it would drain to the sewer. Mr. Flaherty said the surface water would drain  
455 to the storm sewer and it would be retained in retention and detention ponds. The county  
456 engineer and soil and water management would ensure that this is done properly. He  
457 noted that it is illegal for a new property to disperse the water differently than it was prior  
458 to the development.

459

460 Mr. Flaherty said the process involves the BZC making a recommendation to the trustees,  
461 and the trustees' final decision is subject to a referendum action by residents within 30  
462 days of that decision. Berlin Township has two-step zoning; this is a preliminary plan  
463 and would rezone the property from FR-1 to PCD. The use of PCD, not the specific user,  
464 is what is being approved, and the user could change long-term. Thus, the BZC needs to  
465 think of what could occur under the approved zoning for decades to come.

466

467 Mr. Flaherty noted that Ohio is a right-to-develop state; anybody can request a rezoning  
468 of their property, but that does not guarantee approval. He likes the use of the swim club,  
469 but other uses need to be specified, including the specific NAICS use codes as indicated  
470 in Article 17 of the zoning resolution.

471

472 Mr. Karr said he could specify those tonight.

473

474 Ms. Littleton said some of the codes have been updated recently.

475

476 Mr. Adams said the prior minutes recommend that two lots be joined as one piece of  
477 property. He was concerned that the property in the front could be sold as commercial  
478 property in the future. The commercial facility and the swimming pool are on separate  
479 parcels. Ms. Karr said the City would need to get through the pool to get to the other  
480 property, and this is an attempt to block annexation. She would like to stay in Berlin  
481 Township.

482

483 Mr. Adams said he has a problem with commercial development because once that  
484 happens, all bets are off. He does not want to live next door to a commercial  
485 development. Ms. Adams said she was fine with the BZA decision to allow a conditional  
486 use that was non-transferable to other uses/users.

487

488 Mr. Loveless said there is a requirement that residential properties must be separated, so a  
489 fence would be required along the property line. That keeps people from walking the  
490 business onto the residential properties.

491

492 Ms. Karr and Mr. Karr said they would like to get the codes into the application tonight  
493 and request a vote. They said the following uses would be permitted:

494

495 514 Information and Data Processing Services

496 516110 Internet publishing

497 52 Finance and Insurance

498 531210 Offices of Real Estate Agents and Brokers

499 54 Professional, Scientific and Technical Services (includes Medical, Veterinarians,  
500 Computer and Related Hardware and Research and Development etc.)

501 55 Management of Companies and Enterprises

502 561110 Office Administrative Support Services

503 61 Educational Services

504 621111 Offices of Physicians

505 621112 Offices of Mental Health Specialists

506 621210 Offices of Dentists

507 621310 Offices of Chiropractor

508 621320 Offices of Optometrists

509 621330 Mental Health Practitioners

510 621340 Physical, Occupational, and Speech Therapists and Audiologists

511 621391 Podiatrists

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512 621399 Miscellaneous Health Care Practitioners  
513 624410 Child Day Care Services  
514 711120 Dance Companies  
515 711190 Other Performing Arts Companies (except Adult-Related Entertainment)  
516 713940 Fitness and Recreational Centers  
517 621512 Diagnostic Imaging Centers  
518  
519 Ms. Brown asked about compounding. Mr. Karr said that would be medical laboratories  
520 under 621511.  
521  
522 Ms. Littleton asked whether the cell tower would fall under 517212. Mr. Flaherty said  
523 there is a special section for cell towers.  
524  
525 Ms. Littleton asked whether, regarding 54 Professional, Scientific and Technical  
526 Services, it would just be the IT aspect and they would not be doing the actual research  
527 and development. Mr. Karr said he interprets it as professional, scientific and technical  
528 office space. It does state medical and veterinarian offices, and computer and related  
529 hardware and research and development, which could be a small business doing  
530 development of medical devices.  
531  
532 Mr. Flaherty said the 6 digit codes are much more specific, while the two digit codes are  
533 more general. It is difficult to give blanket approval for those when there could be a  
534 much greater scope. Mr. Karr said he could limit 54 to professional office space, medical  
535 space and veterinarian space. He asked that research and development be stricken. Ms.  
536 Littleton asked whether they should provide the individual 6 digit codes for the uses. Mr.  
537 Flaherty said it could be done either way. Ms. Littleton said she would be more  
538 comfortable with the 6 digit codes being provided.  
539  
540 There was a question about 621399 miscellaneous healthcare practitioners would involve.  
541 Ms. Karr said Eastern medicine such as acupuncture would be included in that. Ms.  
542 Brown said that this U.S. industry comprises establishments of independent health  
543 practitioners (except physicians; dentists; chiropractors; optometrists; mental health  
544 specialists; physical, occupational, and speech therapists; audiologists; and podiatrists).  
545 These practitioners operate private or group practices in their own offices (e.g., centers,  
546 clinics) or in the facilities of others, such as hospitals or HMO medical centers.  
547  
548 Ms. Karr said the research and development would fall under the following NAICS  
549 codes, which the applicant would remove from the application:  
550  
551 5417 Scientific Research and Development Services  
552 541713 Research and Development in Nanotechnology  
553 541714 Research and Development in Biotechnology (except Nanobiotechnology)  
554 541715 Research and Development in the Physical, Engineering, and Life Sciences  
555 (except Nanotechnology and Biotechnology)  
556 541720 Research and Development in the Social Sciences and Humanities  
557  
558 Ms. Karr said everything else would fall within the uses that they wanted on the site.  
559  
560 Brooke Brant, 1873 Peachblow, said that her household does not want a cell tower.  
561  
562 Mr. Karr and Ms. Karr agreed to strike the cell tower from the plan.  
563  
564 Ms. Karr asked whether the NAICS codes under 52 and 54 should be reviewed.  
565  
566 Ms. Karr said all of the 54 codes would be stricken.  
567  
568 Ms. Brown said that 621514 is not medical compounding.  
569

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570 Ms. Karr said the following would be stricken:

571 611110 Elementary and Secondary schools

572 611210 Junior Colleges

573 611310 Colleges, universities and professional schools.

574 611410 Business and secretarial schools

575 611420 Computer Training

576

577 Mr. Flaherty suggested that they just indicate which uses they plan to keep instead.

578 Ms. Karr said she would keep just 611620 Sports Recreation and Instruction, 611691

579 Exam Preparation and Tutoring.

580

581 Ms. Karr and Mr. Karr said 514 will be stricken completely.

582

583 Ms. Adams asked whether, if the BZC finds that a commercial buildings located amongst

584 a-acres residential lots is appropriate, does the commercial building need to be twice the

585 size of the original swim club they were approved for. She said the building is massive.

586 Mr. Eckstein said he was confused about the sewer and storm drainage and whether or

587 not they go together. Mr. Flaherty said storm sewer will have catch basins that tie into

588 the stormwater system that carries the water to Alum Creek. There is also a separate

589 sewer line. Mr. Eckstein said he did not understand why the applicant did not need to

590 install additional storm water drain tiles.

591

592 Ms. Karr said the water will need to be mitigated and moved and that is part of the plan.

593 Ms. Karr said they consulted with the county soil and water engineer. Mr. Eckstein said

594 there is no storm drainage, and the ponds they plan to install have no place to displace the

595 water. Mr. Loveless said they are engineered and are designed so they retain the storm

596 water and drain it off slowly. Piatt and Cheshire Roads used to flood all the time, but

597 when the roundabout was created, it was engineered to prevent flooding.

598

599 Mr. Loveless said the county engineer will not allow the property to be developed unless

600 the water is properly drained. It is illegal for a development to create additional flooding

601 issues on neighboring properties. Mr. Eckstein said he sees retention ponds all over the

602 township that are full because the water does not have anywhere to go. He has lived here

603 over 30 years and he doubted the ability to mitigate the water issues with those two

604 ponds, especially with the large parking area.

605

606 Mr. Karr said the property will be engineered to handle the drainage and he is responsible

607 legally for the drainage. Mr. Flaherty said the county is responsible for the sewer and

608 drainage issues.

609

610 Ms. Adams said there is no need to have commercial development in front of her house,

611 and the BZC just needs to say no.

612

613 Mr. Flaherty read the following letters into the record:

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Berlin Township Zoning Office

3271 Cheshire Road

Delaware, Ohio 43015

Stella Wu

4119 Meadow Knoll Road

Delaware, OH, 43015

July 8, 2021

To Whom It May Concern:

I am writing as a resident of Berlin Township in support of the proposal of rezoning 1895 Peachblow for the Community Aquatics and Commerce Center to be built.

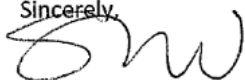
The reason for my support for this proposed center to be built in Berlin Township is that we currently do not have any public or private swimming pools in the area. Delaware County has limited indoor competitive training pools, none of which are public. And as of today, there are 4 Olentangy School District High Schools, none with dedicated pools to support the swim teams.

In addition and more importantly, learning to be able to swim is a life lesson. Berlin Township is an amazing area with the proximity of Alum Creek Lake and ponds (as well as private backyard swimming pools), having said that, it is critical children and adults have this skill for their personal safety and well-being. There is also overwhelming statistics related to drowning and the risks, therefore, having this facility accessible to our locals would be an extremely beneficial asset to our community.

Finally, swimming is an activity which can improve the health and mental wellness of youth and those with challenges. Along with the proposal for a community aquatics center, the commerce area to be built could bring in local businesses which Berlin Township residents may be able to offer to one other including daycares and medical offices. It would be great to be able to support our local entrepreneurs in their endeavors.

In conclusion, I believe the proposed Community Aquatics and Commerce Center will be a great attribute to Berlin Township.

Sincerely,



Stella Wu

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**SUBURBAN NATURAL GAS COMPANY**  
ESTABLISHED 1882



**D. JOSEPH PEMBERTON  
PRESIDENT & COO**

211 FRONT STREET, P.O. BOX 100  
CYNERSVILLE, OHIO 43413-0100  
(419) 655-2345

2626 LEWIS CENTER ROAD  
LEWIS CENTER, OHIO 43035  
(740) 548-2450

330 TROUTMAN ROAD  
DELAWARE, OHIO 43015  
(740) 548-2450

July 26, 2021

To Whom It May Concern:

Please allow this letter to advise of Suburban Natural Gas Company's full support of the proposed Buckeye Swim Club at 1895 Peachblow Road, Lewis Center, Ohio 43035. We are familiar with the site and surrounding area. Further, it is my understanding that the community has expressed a need for this facility. Please know that Suburban is prepared to provide natural gas service to meet that request.

If I can be of any assistance at all, please feel free to contact me. Thank you.

Respectfully submitted,

D. Joseph Pemberton  
President and Chief Operating Officer  
Suburban Natural Gas Company

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# BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO 43015

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## Zoning Consideration

2 messages

Pete Van Frayen <pvanfrayen@gmail.com>  
To: zoningsecretary@berlintwp.us

Thu, Jul 15, 2021 at 10:20 AM

Cathy,

I am writing this in regards to the Peachblow Pool Project. I am urging you to make any zoning adjustments to approve this project.

I have listed several reason why this project will be a significant benefit to the community.

### Lack of Competitive Indoor Pools

- Berlin Township currently does not have any public or private swimming pools.
- Delaware County has limited indoor competitive training pools, none of which are public. For example, private indoor pools include OWU, Powell/Liberty YMCA, Delaware YMCA and MC Fitness.
- Today, there are 4 Olentangy School District High Schools, none with dedicated pools to support the swim teams.
- There is a lack of competitive pools throughout Central Ohio and specifically near Lewis Center
- Displaced swimmers with the disbanding of Ohio State Swim Club and no plans for youth or high school at McCorkle Aquatics Center.

### Learn to swim is a critical life skill

- Swimming is a life skill and with the proximity of Alum Creek Lake, ponds and private backyard swimming pools it is critical kids and adults have this skill for their personal safety and well-being.
- Drowning is one of the top 5 causes of death for people aged 1-14 years for 48 of 85 countries with data meeting inclusion criteria. For example, in Australia drowning is the leading cause of unintentional injury death in children aged 1-3 years. In Bangladesh, drowning accounts for 43 percent of all deaths in children aged 1-4 years. And in China, drowning is the leading cause of injury death in children aged 1-14 years.
- According to a research study conducted by the American Red Cross in 2020, more than half (56%) of kids ages 4-17 cannot perform the basic water safety skills they need to save their own life.
- According to the CDC, in 2017, drowning claimed the lives of almost 1,000 U.S. children. From 2005-2014, there were an average of 3,536 fatal unintentional drownings (non-boating related) annually in the United States-about ten deaths per day. An additional 332 people died each year from drowning in boating-related incidents.
- In 2015, an estimated 360,000 people died from drowning, making drowning a major public health problem worldwide. Injuries account for over 9 percent of total global mortality. Drowning is the 3rd leading cause of unintentional injury-related death, accounting for 7 percent of all injury-related deaths.
- About one in five people who die from drowning within the United States are children 14 and younger. For every child who dies from drowning, another five receive emergency department care for nonfatal submersion injuries.

We currently drive over 30 minutes to swim competitively for Buckeye Swim Club.

---

This space would also serve the community with Daycare and Medical Facility options.

Thanks,

Pete Van Frayen  
2721 Alum Crossing Dr,  
Lewis Center, Ohio 43035

678

679 Mr. Flaherty asked whether the applicant wanted to table the application or ask for a vote  
680 tonight. He is "clear as mud" as to the uses being requested, and those are usually  
681 submitted in the application. Mr. Karr said the BZC has those now and he and Ms. Karr  
682 requested a vote.

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683 Mr. Valentine made a motion to approve Application # 21-003 as presented, with the  
684 following conditions:

- 685 ➤ The NAICS codes will be as indicated.
- 686 ➤ A fence will be built along the property line.
- 687 ➤ Architecture of the building will be adjusted to have more of a “farm look,”
- 688 including some “barn-type” features to soften the white/beige stucco.
- 689 ➤ The landscape plan will be modified to replace pine trees with spruce trees.
- 690 ➤ The cell tower will be removed from the application.

691 There was no second.

692

693 Mr. Flaherty said it goes back to the applicant, and he asked whether they wished to table  
694 and come back. The BZC does not have a clear understanding of the changes this  
695 evening and it may be in the applicant’s best interest to request to table the application  
696 and come back. There is too much minutia, too much uncertainty with the commercial  
697 district including signage, architecture, sizing, etc.

698

699 Ms. Karr asked if it is tabled, when would the application be brought back up again? Mr.  
700 Flaherty said it would depend on the next available date. The next regular BZC meeting  
701 is on August 10, 2021 and a new hearing date could be set during that meeting.

702

703 Mr. Karr said he would table the meeting.

704

705 Ms. Knapp noted that the residents who were notified of this hearing will be notified of  
706 the new hearing date and time once it is set.

707

708 **AGENDA ITEM: OTHER BUSINESS**

709 Mr. Loveless said he has been receiving a lot of permit requests. Ms. Rippel said she has  
710 been receiving a lot of rezonings as well.

711

712 Mr. Flaherty said the next regular meeting will be on Tuesday, August 10, 2021 at 7:00  
713 p.m. He will not be at that meeting. Metro Development will be heard that evening.

714

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

716

717 Motion to adjourn. Meeting adjourned.

718

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\_\_\_\_\_  
Steve Flaherty, Chairperson

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Jerry Valentine, Vice-Chairperson

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Darcy Kaplan, member

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Jenny Sloas, 1<sup>st</sup> alternate member

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Sherry Graham, 2nd alternate member

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Attest: \_\_\_\_\_

734

Lisa F. Knapp, Berlin Township Zoning Clerk