

BOARD OF APPEALS PUBLIC HEARING – JULY 14, 2016

PUBLIC HEARING
BOARD OF ZONING APPEALS
July 14, 2016

The Austintown Township Board of Appeals held a Public Hearing on Thursday, July 14 2016, at the Township Building, 82 Ohltown Road, Austintown, Ohio, for consideration of the following case:

APPEAL CASE 2016-09-A-Sabatine-Sheetz.

The following Board members were in attendance:

- Mr. Joe Koch – Chairman
- Mr. Michael Beaudis – Vice-Chairman
- Mr. William Glaros
- Mr. Pat Simms
- Mr. James Mahoney
- Mr. Robert Satterlee – Absent

Chairman Koch opened the public hearing at 7:00 P.M. The following testimony was given under oath or affirmation. Court Reporter in attendance, complete transcript taken of the hearing.

Motion by Mr. Glaros to approve the minutes of the public hearing held on December 10, 2015.

Seconded by Mr. Beaudis.

Roll Call Vote: Mr. Glaros - Yes; Mr. Mahoney – Yes; Mr. Simms – Yes; Mr. Beaudis - Yes; and Mr. Koch - Yes.

APPEAL CASE 2016-09 A

Attorney Bruce G. Rinker, Mansour-Gavin, LPA, North Point Tower, 1001 Lakeside Avenue, Suite 1400, Cleveland, Ohio, 44114, on behalf of property owner Sabatine BK Development, LLC, 1305 Boardman-Canfield Road, Unit #8, Youngstown, Ohio 44512, Sheetz, Inc., 817 Brookfield Drive, Seven Fields, Pennsylvania, 16046, and Genesis Outdoor, Inc., P.O. Box 404, Youngstown, Ohio, 44501, appeals from the decision of the Austintown Township Zoning Inspector and requests a conditional use permit from the terms of Article XI-Business B-2 District, Section 1102-Conditionally Permitted Uses, Paragraph 1-Car Wash Establishments and Paragraph 9-Gasoline Service Stations, of the Austintown Township Zoning Ordinance, as amended through November 25, 2014, to allow for the construction of a Sheetz fueling station measuring approximately 6,500 sq. ft. and accompanying car wash and the relocation of the existing billboard towards the northerly property line at the property located at 1101 North Canfield-Niles Road. Said

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property is located at the northeast corner of the Clarkins Drive-North Canfield-Niles Road intersection, is irregular in shape, has a frontage of approximately 363 feet on North Canfield-Niles Road and a frontage of approximately 300 feet on Clarkins Drive; and is zoned as a Business B-2 District with the south easterly 93.27' x 189.17' portion of the property zoned as an Industrial I-1 District and the northeasterly 20' x 135.36' portion zoned as an Agricultural-A-SER District in Austintown Township, Mahoning County, State of Ohio.

Zoning Inspector Crivelli read the applicant's letter of request from Atty. Bruce G. Rinker dated June 20, 2016 into the case record, referenced a scaled site plan that was reviewed by Captain Milliron of the Austintown Fire Department with no objections, a landscape plan, an interior floor plan, two (2) pages of color elevation drawings, six (6) pages of sign drawings, a billboard elevation drawing, updated billboard elevation drawings and site plan submitted by Tom Cregan on Wednesday, the Austintown Zoning Commission minutes of their public hearing dated April 7, 2016, the original submittal regarding the billboard submitted by Mr. Cregan, the case mailing list, an updated zoning map reflecting the recent zone change including the re-platting of the properties into one lot, and three plat maps prepared by the zoning office. Zoning Inspector Crivelli also referenced the entire zone change request file (Amendment 2016-03-Z-Sabatine).

Mr. Koch stated the mailing list for case 2016-09-A will be incorporated into the case record.

Attorney Bruce G. Rinker introduced David Mastrostefano, P.E as the project engineer, Henry C. Fownes as the real estate site selector, and Ryan Balko serving as the civil engineer for the project. The proposal for the rezone was to allow for consolidation of the property for the Sheetz redevelopment project. The existing buildings will be razed. The area of the existing car wash will be mostly green space. The new car wash will be enclosed and be an amenity for customers but not the draw or destination one would expect the existing multi-bay car wash was. One side of the car wash is glass for safety and so as not to feel claustrophobic. It will serve one car at a time. It will not be problematic for the draw on the water supply. Per the zoning commission, a fence measuring eight (8) feet in height will be placed to protect the residents. Green space will be added to the site and the site will be more pervious for drainage. By designing to the west and south most of the site operation has been pulled as far away from the residential as possible. The architectural alone will be a big improvement. The building will have a 360 degree view with masonry on all four sides. It is designed to look like one can approach the building from every angle. The shape of the canopy causes it to intrude a little on the setback line, but otherwise, all the setbacks are met

Attorney Rinker reviewed the general standards under Section 1601: Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character or the general vicinity, and that such use will not change the essential character of the same area. Attorney Rinker stated the architectural design alone will be a big improvement. The building will have a 360 degree view with masonry on all four sides. It is designed to look like one can approach

the building from every angle. The shape of the canopy causes it to intrude a little on the setback line, but otherwise, all the setbacks are met. The parking requirement is met. Setbacks, height, architecture will all comply and LED lighting will be zero foot candles at the property lines. Glare, noise, and light pollution will all be reduced by the design and the overall operation addresses the general and supplementary safeguards listed. The site geometry allows vehicles to enter the site for fuel and food. The vehicles can maneuver per the turning radi. Anyone who uses the site can back in and out and pedestrian routes are controlled. Access points to the building are user friendly and were designed based on past experiences. The drive-thru order point entry is located on the east end of the site. Drivers will pull straight up and come around the north end of the building where the order window is located. The fuel pumps face toward State Route 46 and is where most of the activity will take place. Most of the main entrances correlate between the pumps and the convenience store itself. The interior floor plan has a good layout. The overall character of the area has been considered including buffering, screening, lighting, and traffic safety components. All of these factors have been taken into account and from the experiences of Sheetz the site will meet both the spirit and letter of the zoning code in complying with the conditional use requirements.

David Mastrostefano, P.E., presented the site plan proposing a full east access entrance on the Clarkins Drive and drive out cut on Clarkins Drive at the south west. The entrance at 46 is being reviewed by ODOT. It will most likely be right-in right-out but asking for full access. There is on-going discussion with ODOT regarding left turns in.

Mr. Mastrostefano reviewed the drive-thru operation including the order point canopy, two (2) out-door weather touch screens, the pick-up window on the north side of the building and a waiting space at the front if orders are not ready. The single-wing fuel island canopy will have seven (7) multi-pump dispensers facing Route 46. The automatic car wash to the north will have a single que lane. There will be no attendant. There is a cashier location before the entrance into the car wash and customers pay by a code from the store, cash, or credit card. There is a bypass lane to allow exit from the que lane. The car wash system will incorporate two (2) retention tanks to allow for water conservation with three (3) filtering systems to filter out grid and oil. Fresh treated water is used for the final rinses and for some of the wash cycles. Water conservation measures have been incorporated into the site. The underground storage tanks for fueling were identified as keeping the operation as far from the residential as possible and to also minimize piping fuel as close to the pumps being serviced as possible. There will be parking on three (3) sides of the facility. The dumpster placement must be accessible from a drive aisle. Safety of customers and employees was a concern regarding dumpster placement. The dumpster is as far from the neighbors as possible with a drive aisle to allow for service. The green space will be sod with an irrigation system. There will be landscaping around the store and the intersection will be accented with landscaping. The pole sign will be located near the entrance off Route 46. The existing billboard will be relocated to the northwest corner of the lot. The vinyl fence measuring eight (8) feet in height will begin at the shared property line with Dunkin Donuts and run along the residential lots and tie into the existing chain link fence.

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Mr. Koch inquired about the new curb cut. Mr. Mastrostefano stated the new Route 46 curb cut will be further north than the existing cut. ODOT will decide if the curb cut will be limited access, most likely right-in-right-out. Mr. Mahoney inquired about the number of cars that will stack within the drive-thru. Mr. Mastrostefano could not give an exact number and stated it would depend on the time of day.

Mr. Mastrostefano stated the building elevations will consist of a darker brick in the upper 7/8 of the facility with the lower 3 feet being a different tone to give it an architectural aesthetic and break up the brick color. The windows will look into an area of about 30 seats. There will be fix mounted two and four seat tables on the sidewalk as represented by the green awnings on the elevation drawing. Accent decorative fencing and light bollards will be placed along the front sidewalk to provide a further architectural aesthetic. The sidewalks are pavers as opposed to concrete for contrast from the parking lot.

The north side elevation depicts the pick-up window. The bronze door is an emergency access door as distinguished from the public access doors. The windows on the east side cannot be seen thru but are placed to give an architectural appearance as there is a double door public entrance and double row of parking and it breaks up the wall of brick. The back wall is designed to give the appearance that the facility is open 24 hours for those entering from Clarkins Drive. The same two-tone brick will wrap the facility 360 degrees. Bronze features will be utilized on the roof for screening of equipment and as a break for the ladder to access the roof. Propane cages will be placed at the south elevation of the building.

The site plan was marked as Exhibit “A”. The elevation drawings were marked as Exhibit “B”. The brick sample was marked as Exhibit “C”. The second elevation drawing was marked as Exhibit “D”. The fuel island canopy was marked as Exhibit “E”.

Mr. Mastrostefano stated the fuel island canopy is as far away from the residential property as possible and extends over the pumps only. The foot print of the canopy is reduced with less mass creating an open feel. It also segregates the operation at the store from the operation of the fuel pumps. The columns will be bronze to match the roof screening which is also bronze. The lower few feet of the columns will be the same brick used on the lower portion of the store adding continuity.

Mr. Mastrostefano reviewed the order point canopy at the east side of the property. Touch screens will be used and order pick-up will be at the north side of the building. Directional signage was reviewed. Traffic will circulate in a counter clock wise motion. The drive-thru canopy was marked as Exhibit “F”.

Mr. Mastrostefano stated the elevations of the car wash will be bronze and brick to maintain continuity and to let customers know this is a Sheetz product, not another business. The building is internally lit with a large window so visibility is always maintained. No one will be inside a darkened car wash building. The site will have

between 18 and 21 cameras for security purposes. The site is monitored 24/7 at the corporate office. Security of customers and employees is taken very seriously by Sheetz.

Mr. Glaros inquired about the number of gas customer using the car wash. Mr. Mastrostefano stated the car wash is an adjunct to other services offered. Only one bay is offered. It was speculated that only a small percentage of gas customers will use the car wash. The clearance bar determines if your vehicle is too high for the car wash. The car wash price sign and other car wash signage were reviewed. The car wash drawing was marked as Exhibit “G”. The car wash signage drawing was marked as Exhibit “H”.

The signage drawings were reviewed. The signage drawings were marked as Exhibit “I” and “J”.

Mr. Beaudis inquired about someone within the car wash needing help. Mr. Mastrostefano stated the facility will have 18 to 24 cameras with some pointed at the car wash. The cameras will be monitored inside the store. They will also cover the vicinity and will be made available to police departments if requested. The cameras are also monitored at corporate.

Mr. Mastrostefano reviewed the photometric drawing. There will zero foot candles along the northeast residential properties. At the east side of the property foot candles range from zero to .7 and .8 near the drive thru order point. The lighting goes down to zero moving south towards Clarkins Drive. The entrances are well lit. Near the Clarkins Drive property line lighting will be about 1 to 2 foot candles. The entrance at Route 46 near the property line is about 1 to 2 foot candles. The adage of pavement on Route 46 is half a foot candle. Along the north is essentially zero with a couple peaks at .3. The lighting will be LED with flush mount back lit eyelids to control the lighting optically. The light poles are placed away from the residential with the closest one being near the dumpster. The photometric drawing was marked as Exhibit “K”.

Mr. Glaros asked about competition. Mr. Fownes, 5700 Sixth Avenue, Altoona, PA, stated they have no issue with the competition. Sheetz is very competitive and have the best stores around.

Mr. Beaudis inquired about the Sheetz located at Mahoning Avenue and Route 46. Mr. Fownes stated that station will undergo a white block remodel as part of the update program. Mr. Mastrostefano stated it will eventually have a similar look to the store being proposed.

Mr. Koch asked if kerosene will be sold. Mr. Mastrostefano answered in the negative. The project is not designed for semi-trucks. Mr. Koch asked about natural gas. Mr. Fownes stated at this point in time it is not economically feasible. Mr. Mastrostefano stated the underground storage tanks consist of a two chamber tank that will allow a different fuel source if in the future there should be different trends in the fuel market. The tank capacities consists of a 12,000 gallon tank the other two tanks are 20,000 gallon. The market for kerosene has dropped off over the years.

Mr. Koch inquired about retention. Mr. Mastrostefano stated there will be three underground retention facilities. Everything drains north to south. He pinpointed the placement of the tanks in relation to the overall site plan. GPD will do the engineering.

Mr. Beaudis stated his son travels thru western Pennsylvania and is very happy with the stations he has visited. Mr. Mastrostefano thanked him for the compliment.

Jim Sabatine, Jr., 1305 Boardman-Canfield Road, Suite A, Boardman, Ohio, 44512, stated they are the property owners and developers. His grandmother is an owner of Salsesto's building and he does not want to damage any property owners. He described other potential users and concluded the Sheetz project is the best use for the property. Sheetz will not offer a long hose fueling station. Tractor trailers should not be utilizing the site. Sheetz is being pro-active and there is a lot of green space with this project. It's a win-win for the township and county along with Sheetz. He stated the new billboard will be shifted to the north and make a better appearance.

Tom Cregan, Genesis, stated he is willing to move the billboard sign at his expense to accommodate the project. The new sign will be the same size. It will look nice. He will comply with building code requirements. He described himself as a good businessman who has appeared before the board in the past and a small player in this project. Mr. Koch thanked him for his cooperation in moving the project forward.

Mr. Beaudis inquired about the sign being digital. Mr. Cregan stated one side will be LED digital and he will comply with all state regulations. Zoning Inspector Crivelli advised the billboard is part of the overall conditional use project and the board can approve the project including the billboard as presented, modify it, or deny it. The applicant's position is the existing billboard is 36 feet in height.

Mr. Koch inquired if the Sheetz sign will have movement. Mr. Mastrostefano stated their signage is intertwined for the services customers may want to use. The Sheetz signs will not be overbearing but still able to convey a message. There was further discussion of a left-in turning lane from Route 46. Zoning Inspector Crivelli advised the Board and applicant any approval will have to stipulate compliance with ODOT requirements. Mr. Sabatine observed there are three existing curb cuts on Route 46 which will be reduced to one right-in right-out cut. He also oacknowledged the project cannot move forward until ODOT approves the access.

James Braga, owner of Dunkin Donuts, expressed concerns regarding the billboard impeding his signage. Mr. Beaudis observed his building is lower than the proposed billboard. Mr. Koch stated the extra height of six feet will provide more visibility for his sign. Mr. Braga emphasized he does not want his pylon sign or building signs obstructed. He approached the board to review the drawings. Mr. Cregan stated this appears similar to the Certified case from the previous year and he assured the board that he will work with Mr. Braga for placement of the billboard so as not to obstruct his signage.

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Mr. Cregan agreed to meet with Mr. Braga prior to placing the new sign. Mr. Koch suggested the billboard sign will not block the Dunkin Donut signage. Mr. Braga stated he is not against the project but has concerns regarding the proposed billboard. Zoning Inspector Crivelli advised there is room to relocate the proposed billboard sign. Mr. Koch observed going further back to possibly 25 feet would still be a good placement. Mr. Cregan agreed with that. Sheetz representative had no objection to the new proposed billboard location. Zoning Inspector Crivelli asked the board to allow flexibility to possibly moving the billboard to the south to accommodate Mr. Braga.

No one else in attendance to speak for the request.

No one in attendance to speak against the request.

The Board adjourned into executive session at 8:10 P.M.

The Board reconvened from executive session at 8:16 P.M.

2016-03-A-Sabatine: Motion by Mr. Glaros to approve the conditional use permit with the stipulation that the billboard sign may be moved up to ten (10) feet to the east and ten (10) feet to the south.

Seconded by Mr. Mahoney.

Roll Call Vote: Mr. Glaros - Yes; Mr. Mahoney – Yes; Mr. Simms – Yes; Mr. Beaudis - Yes; and Mr. Koch - Yes.

Zoning Inspector Crivelli advised there is a 30 day appeal period for any aggrieved party to file a case in Mahoning County Common Pleas Court. He also advised storm water management drawings that meet the design criteria of the Mahoning County Engineer’s Office must be submitted for review and approval. The SWPP drawing must be submitted for review and approval directly to the soil and water conservation office and an access permit will be required from ODOT before construction can begin.

There being nothing further to come before the Board, the hearing was adjourned at 8:17P.M.

AUSTINTOWN BOARD OF ZONING APPEALS

Darren L. Crivelli, Zoning Inspector, Austintown Township

APPROVED: _____
Joe Koch – Chairman

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DATE: _____