

PUBLIC HEARING  
**AUSTINTOWN TOWNSHIP TRUSTEES**  
March 24, 2016

In accordance with Section 519.12 of the Ohio Revised Code, the Austintown Township Trustees held a public hearing on March 24, 2016, at the Austintown Township Administration Building, 82 Ohltown Road, Austintown, Ohio, for final determination of amendment request 2016-01-Z.

The following Trustees were in attendance:

Kenneth A. Carano - Chairman  
Rick Stauffer– Vice-Chairman  
James C. Davis – Trustee

The Public Hearing was opened at 7:00 P.M. with the Pledge of Allegiance.

Court Reporter in attendance, complete transcript taken of the hearing.

Mr. Carano gave the following statement:

The Public Hearing before the Austintown Township Board of Trustees for March 24, 2016 is now in session. Let the record show that under the provisions of Ohio Revised Code 519.12, notice of this hearing has been given in one newspaper of general circulation in the Township at least ten (10) days before the date of this hearing and notice was given by first class mail to property owners of interest.

After a reading of the legal notice and the recommendations of the Mahoning County Planning Commission and the Austintown Township Zoning Commission, the Board of Trustees will first hear testimony from the applicant, than all testimony in support of the proposed amendment, then all testimony against the amendment. If testimony is offered against the request, the applicant will be given a short rebuttal opportunity. All testimony and questions are to be directed to the Board of Trustees.

We ask that only one person speak at a time. Prior to testifying you must state your name and address.

When all testimony has been given, the Board of Trustees will act by motion upon the recommendations of the Austintown Zoning Commission.

**AMENDMENT 2016-01-Z**

Cocca Development, LTD, 100 DeBartolo Place, Suite 400, Boardman, Ohio, 44512, requests the rezoning of a 40' x 178' (0.163 acre) westerly portion of two parcels of land containing a combined total of approximately 3.341 acres, Lot No. 4, Fitzgerald Plat,

Parcel 48-075-0-036, 1514 South Raccoon Road, and Lot No. 1, RePlat of Lot No. 1 F. Morgan Plat, Parcel 48-075-0-035, Austintown Township, from Residence R-1 Districts to Business B-2 Districts for a total Business B-2 District lot depth of 240 feet. Lot No. 4, Fitzgerald Plat, 1514 South Raccoon Road is rectangular in shape, is located on the west side of the South Raccoon Road right-of-way, approximately 209 feet south of the Fitzgerald Avenue-South Raccoon Road intersection; and is zoned as a Business B-2 District for a depth of 200 feet with the remaining westerly 40 feet zoned as a Residential R-1 District. Lot No. 1, RePlat of Lot No. 1 F. Morgan Plat is irregular in shape, is located on the west side of the South Raccoon Road right-of-way, approximately 309 feet south of the Fitzgerald Avenue-South Raccoon Road intersection; and is zoned as a Business B-2 District for a depth of 200 feet with the remaining westerly portion zoned as a Residential R-1 District in Austintown Township, Mahoning County, State of Ohio.

Zoning Inspector Crivelli referenced the applicant's letter of request dated January 21, 2016, also referenced were the minutes of the zoning commission hearing held on February 25, 2016, the sign-in sheet from the zoning commission hearing, the case mailing list, four plat maps created by the zoning office, a copy of the original zoning map depicting the B-2 District being set as 150 feet deep and the accompanying zoning text allowing for an extension of an additional 50 feet, two color-coded site plans, and an A.L.T.A survey.

Zoning Inspector Crivelli stated the following:

**MAHONING COUNTY PLANNING COMMISSION:** Recommended **APPROVAL** of the request per the agenda (February 23, 2016).

**AUSTINTOWN TOWNSHIP ZONING COMMISSION:** Motion by Mr. Hendricks to accept the recommendation of the Mahoning County Planning Commission and recommended **APPROVAL** to a **Business B-2 District** with the following stipulations:

- 1) The natural buffer disturbed by construction shall be replaced by a conifer buffer;  
and
- 2) Exterior lighting shall be dark sky compliant.

Seconded by Atty. Price.

Roll call vote: Atty. Price – Yes; Mr. Marsteller – Yes; Mrs. Sovik – Yes; Mr. Hendricks – Yes; and Mr. Latone – Yes.

Brice Jackson, Cocca Development, LTD, 100 DeBartolo Place, Suite 400, Boardman, Ohio, 44512, testified that a total of 225 feet of B-2 is needed for the project with the remainder to stay as residential to allow for the construction of a proposed Dunkin Donuts. The property will be re-platted into one lot. He asked for an additional 40 feet of commercial although they don't intend on paving to be beyond 225 feet.

Mr. Davis inquired about the existing pavement. Mr. Jackson stated the existing paving line is at 220 feet of depth from the former Hardy's and the request does not ask for anything that was not already there. They will add an additional five feet but are asking for 240 feet to allow for some additional room and to even it up with the abutting Cocca owned property to the north. He assured Trustee Davis that this would be a Dunkin Donuts. The civil drawings are 90% complete and the architectural drawings are 60-65% complete.

Mr. Carano asked if they were prepared to do what the zoning commission requested. Mr. Jackson stated the exterior lighting will be cut-off fixtures and they will buffer as long as it is reasonable. They will be good neighbors and do whatever Darren expects to be done regarding buffering.

Amy Marsilio, 4419 Fitzgerald Avenue, stated she is not against the request. Her property abuts the Teri-Mar Plaza and the project is behind her house. She inquired about the hours of operation. Mr. Jackson stated Dunkin Donuts will be a 24 hour operation. Cocca Development will be the property owner and the business will be operated by a franchisee who owns about 11 other restaurants.

Mr. Carano stated Dunkin Donuts is a great business but the commission will oversee it. Austintown grew up quickly and the major roads like Route 46 and Raccoon Road became commercial and those of you who lived behind it got caught up in it.

No one else in attendance to speak in favor of the request.

No one in attendance to speak against the request.

**2016-01-Z-Cocca:** Mr. Davis made a motion to accept the recommendations of the Mahoning County Planning Commission and the Austintown Zoning Commission and rezone the subject property to a Business B-2 District for an additional 40 feet for a total depth of 240 feet and with the following stipulations:

- 1) The natural buffer disturbed by construction shall be replaced by a conifer buffer;  
and
- 2) Exterior lighting shall be dark sky compliant.

Seconded by Mr. Stauffer.

Roll call vote: Mr. Stauffer – Yes; Mr. Davis – Yes; and Mr. Carano – Yes.

Motion by Mr. Davis to adjourn the public hearing.

Seconded by Mr. Stauffer.

Roll call vote: Mr. Stauffer – Yes; Mr. Davis – Yes; and Mr. Carano – Yes.

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There being nothing further to come before the Trustees, the public hearing was adjourned at 7:14 P.M.

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Darren L. Crivelli, Zoning Inspector

APPROVED: \_\_\_\_\_  
Ken Carano – Chairman

DATE: \_\_\_\_\_

APPROVED: \_\_\_\_\_  
Laura L. Wolfe, Fiscal Officer

DATE: \_\_\_\_\_