

PUBLIC HEARING
AUSTINTOWN TOWNSHIP TRUSTEES
August 22, 2016

In accordance with Section 519.12 of the Ohio Revised Code, the Austintown Township Trustees held a public hearing on Monday, August 22, 2016, at the Austintown Township Administration Building, 82 Ohltown Road, Austintown, Ohio, for final determination of amendment requests 2016-05-Z and 2016-06-Z.

The following Trustees were in attendance:

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

The Public Hearing was opened at 1:00 P.M.

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 August 22, 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 2016-05-Z

Woolpert Inc., 4454 Idea Center Boulevard, Dayton, Ohio, 45430-1500, on behalf of the Austintown Township Board of Education, 700 South Raccoon Road, Austintown, Ohio, 44515, and the Meijer Stores Limited Partnership, 2929 Walker Avenue, Grand Rapids, Michigan, 49544, request the rezoning of an approximate 7' wide strip of land increasing in a northerly direction to 21.08' wide x 565.69' located east of the existing Business B-2 District of a parcel of land containing approximately 15.068 acres, Lot No. 1, Irregular Replat of a Replat of Lot No. 1 of the Austintown Board of Education Plat No 1, Parcel 48-029-0-132, 5800 Mahoning Avenue, Austintown Township, from a Residential R-1 District to a Business B-2 District with the remaining easterly portion of land to remain as a Residential R-1 District. Said property is irregular in shape, has a frontage of approximately 660.74 feet on the north side of Mahoning Avenue and a frontage of 150 feet on the east side of Fitch Boulevard, a combined depth of 817.70 feet along the east property lines, is located approximately 320.89 feet west of the Howard Avenue-Mahoning Avenue intersection and approximately 807.52 feet north of the Fitch Boulevard-Mahoning Avenue intersection; and is zoned as a Business B-2 District with the easterly 50 feet zoned as an Residence R-1 District in Austintown Township, Mahoning County, State of Ohio.

AMENDMENT 2016-06-Z

Woolpert Inc., 4454 Idea Center Boulevard, Dayton, Ohio, 45430-1500, on behalf of OLOM, LTD, c/o B&I Management Company, 3729 Union Street, Mineral Ridge, Ohio, 44440, and the Meijer Stores Limited Partnership, 2929 Walker Avenue, Grand Rapids, Michigan, 49544, request the rezoning of an approximate northwesterly 52' x 132.08' portion of a parcel of land containing 1.15 acres, Tract 7, Parcel 48-029-0-127, 5650 Mahoning Avenue, Austintown Township, from a Residence R-1 District to a Business B-2 District. Said property is rectangular in shape, has a frontage of approximately 175.56 feet on the north side of Mahoning Avenue, a depth of 252 feet at the west property line, is located approximately 145.33 feet west of the Howard Avenue-Mahoning Avenue intersection; and is zoned as a Business B-2 District for a depth of 200 feet with the northerly remainder zoned as an Residence R-1 District in Austintown Township, Mahoning County, State of Ohio.

Zoning Inspector Crivelli referenced the letter of application dated July 12, 2016 from Lanie West of Woolpert, Inc. Also referenced were a 24" x 36" site plan, a 24" x 36" landscape plan, an interior floor plan, building elevation drawings, an 8" x 11" site plan of the proposed zone change request, an 8" x 11" area map, the minutes of the zoning commission hearing held on July 28, 2016, two (2) pages of legal descriptions of the subject properties, a purchase agreement with the school, a purchase agreement with B&I Management, a copy of the zoning ordinance extending original zoning districts an additional 50 feet for the least restrictive zone, an area copy of the Austintown Township zoning map, the case mailing list prepared by the zoning office, five area plat maps, and an 11" x 17" highlighted portion of the zone change request prepared by the zoning office, and the zoning commission public hearing sign-in sheet.

Zoning Inspector Crivelli stated the following:

Mahoning County Planning Commission: Recommended **APPROVAL** of the requests per the agenda on their meeting held July 26, 2016.

AUSTINTOWN TOWNSHIP ZONING COMMISSION 2016-05-Z: Motion by Atty. Price to **MODIFY** the recommendation of the Mahoning County Planning Commission and recommend **APPROVAL** of the request to a **Business B-2 District** with the following stipulations:

- 1) The Howard Avenue buffer side shall consist of appropriate vegetation placed nearer to the east side property line and a solid fence measuring six (6) feet in height placed west of the plant material and a buffer at the north property line to consist of a solid fence measuring six (6) feet in height and appropriate vegetation; and,
- 2) A photometric site plan shall be required indicating zero (0) foot candles of light on adjacent properties.

Seconded by Mr. Hendricks.

Roll call vote: Mr. Cole – Yes; Mr. Hendricks - Yes; Atty. Price – Yes; Mr. Marstellar – Yes; and Mr. Latone – Yes.

AUSTINTOWN TOWNSHIP ZONING COMMISSION 2016-06-Z: Motion by Mr. Hendricks to **MODIFY** the recommendation of the Mahoning County Planning Commission and recommend **APPROVAL** of the request to a **Business B-2 District** with the following stipulations:

- 1) The Howard Avenue buffer side shall consist of appropriate vegetation placed nearer to the east side property line and a solid fence measuring six (6) feet in height placed west of the plant material; and,
- 2) A photometric site plan shall be required indicating zero (0) foot candles of light on adjacent properties.

Seconded by Atty. Price.

Roll call vote: Mr. Cole – Yes; Mr. Hendricks - Yes; Atty. Price – Yes; Mr. Marstellar – Yes; and Mr. Latone – Yes.

Lanie West, Woolpert, Inc., 4454 Idea Center Boulevard, Dayton, Ohio, stated she is representing both the owners of the properties and Meijers. She referenced the drawings depicting the rezone requests that reduce the buffer area so there is no liability with parking in the residential area. The buffer area will be screened above and beyond the zoning requirements. The chain-link fence will be removed and replaced with a solid

fence six feet in height and evergreens planted ten feet on center that will grow and mature and eventually screen the development.

Ms. West referenced the zoning commission recommendation and advised Meijers had two concerns. The trees along the property line will create confusion with the residents and in the future and they will probably encroach to the fence line with toys and other things thus creating a liability issue. She stated it is always best to place the fence at the property line to protect the risk of the business.

Ms. West described the rear of the property as having a blue line stream and highly vegetated with a chain-link fence. She referenced a drawing depicting the building at 17 feet in height and the closest residential home. The tree line will not be disturbed and the chain-link fence is on the other property and then encroaches onto the school property. She referenced a drawing with a tree line 60 feet beyond the corner. The grade difference is 3 to 1 with 19 feet from the back of the curb to the property line for a grade differential of seven feet, thus a fence six feet in height will screen nothing. The rear of the building will not have a lot of traffic. It is mainly for emergency access. Delivery trucks will not travel behind the building.

Ms. West explained that the garden center was reduced 18 feet to pull the driveway away from the residential which will have a tree line and fence along the rear yards on Howard Avenue. She stated they did not have a chance to comment prior to the zoning commission decision on the buffering. Meijers will do their best in terms of buffering to take care of the neighbors. Trees are proposed 10 feet on center at the rear property line where there is open area. She discussed a spread type release for the under-ground storm water retention system and emphasized tree roots will damage an underground system.

Mr. Carano inquired about a pond. Ms. West gave a brief overview of the retention design. Zoning Inspector Crivelli advised there was a stream on the condo property and a chain-link fence and suggested maybe the school placed the fence years ago. Ms. West referenced the fence on the drawing and described the vegetation near the fence. Zoning Inspector Crivelli referenced the plat maps with the tree line buffer planted when the condos were constructed.

Ms. West stated the fence would be either wood or vinyl and measure six feet in height. Mr. Davis asked if they would place a white vinyl fence. Ms. West had no objections. Mr. Davis also stated they would be better able to trim the trees without obtaining permission from abutting property owners. Ms. West stated placing the fence at the property line will better serve Meijers maintenance workers as they will know exactly where their property begins and ends neighbors tend to like fencing at the property line.

Zoning Inspector Crivelli stated the elevation drawing will be marked as Exhibit "C" and the north buffering as Exhibit "D".

Rob Martig, 60 Howard Street, stated he was attending to see the plans and received a lot of information. He spoke in favor of the request and asked where the fence would be

placed in relation to his property. Ms. West stated they typically place the fence six inches inside the property line.

No one else offered testimony in support of the request.

No one offered testimony in opposition of the request.

2016-05-Z-Woolpert-Austintown Board of Education: Motion by Mr. Stauffer to **MODIFY** the recommendation of the Austintown Township Zoning Commission and **APPROVE** the request to a Business B-2 District with the following stipulations:

- 1) The Howard Avenue buffer side shall consist of suitable evergreen plant material and a white vinyl fence measuring six (6) feet in height placed at the developers discretion and a buffer at the north property line to consist of a suitable evergreen plant material to be determined by the Board of Appeals during the conditional use process or the Zoning Inspector after submittal, review, and approval of the storm water management drawings including final grade elevations; and,
- 2) A photometric site plan indicating zero (0) foot candles of light on adjacent properties.

Seconded by Mr. Davis.

Roll Call Vote: Mr. Stauffer – Yes; Mr. Davis – Yes; and Mr. Carano – Yes.

2016-06-Z-Woolpert-B&I Management: Motion by Mr. Davis to **MODIFY** the recommendation of the Austintown Township Zoning Commission and **APPROVE** the request to a Business B-2 District with the following stipulations:

- 1) The Howard Avenue buffer side shall consist of suitable evergreen plant material and a solid white vinyl fence measuring six (6) feet in height placed at the developers discretion; and,
- 2) A photometric site plan indicating zero (0) foot candles of light on adjacent properties.

Seconded by Mr. Stauffer.

Roll Call Vote: Mr. Carano – Yes; Mr. Davis – Yes; and Mr. Stauffer – Yes.

Zoning Inspector Crivelli advised the amendment will become effective in thirty days and the north property line buffer will be finalized at the conditional use hearing or after approval of the storm water management drawings.

Motion by Mr. Davis to adjourn the public hearing.

Seconded by Mr. Stauffer.

AUSTINTOWN TOWNSHIP TRUSTEES, AUGUST 22, 2016

Roll Call Vote: Mr. Davis – Yes; Mr. Stauffer – Yes; and Mr. Carano – Yes.

There being nothing further to come before the Trustees, the public hearing was adjourned at 12:25 P.M.

AUSTINTOWN TOWNSHIP TRUSTEES

Darren L. Crivelli, Zoning Inspector

APPROVED: _____
Ken Carano – Chairman

DATE: _____

APPROVED: _____
Laura L. Wolfe, Fiscal Officer

DATE: _____