

AUSTINTOWN ZONING COMMISSION – APRIL 7, 2016

PUBLIC HEARING
AUSTINTOWN ZONING COMMISSION
April 7, 2016

In accordance with Section 519.12 of the Ohio Revised Code, the Austintown Township Zoning Commission held a public hearing on Thursday, April 7, 2016, at the Township Hall, 82 Ohltown Road, Austintown, Ohio, for consideration of and recommendation to the Board of Township Trustees amendment request 2016-03-Z.

The following Commission members were in attendance:

Ron Latone – Chairman
Brett Hendricks – Vice Chairman
Bonnie Sovik
Atty. Robert Price
Sam Swoger, III
Keith Marsteller - Absent

The Public Hearing was opened at 6:00 P.M. by Mr. Latone leading the Pledge of Allegiance.

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

Motion by Mrs. Sovik to **APPROVE** the minutes of the March 31, 2016 public hearing.

Seconded by Atty. Price.

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

Mr. Latone read the following statement:

The Public Hearing before the Austintown Township Zoning Commission for April 7, 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. The mailing list of the property owners will be incorporated into the case record.

After a reading of the legal notice and the recommendation of the Mahoning County Planning Commission, the Zoning Commission 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.

When all testimony has been given, the Zoning Commission will act by motion upon the recommendation of the Mahoning County Planning Commission and our

recommendation will be forwarded to the Board of Trustees for a future hearing and a final decision.

All testimony and questions are to be directed to the Zoning Commission. We ask that only one person speak at a time as we have a court reporter present. Prior to testifying you must state your name and address.

AMENDMENT 2016-03-Z

Sabatine BK Development, LLC, 1305 Boardman-Canfield Road, Unit #8, Youngstown, Ohio 44512, requests the rezoning of a 135.36' x 100' (0.310 acre) rectangular north easterly portion of a parcel of land containing a total of approximately 2.480 acres, 1101 North Canfield-Niles Road, Lot Nos. 1 & 2, Replat of Clarkins Youngstown Plat No. 1, and Lot Nos 18, 19, & 20 Replat of the Young and Webb Plat, Austintown Township, from a Business B-2 District and an Agricultural A-SER District to a Business B-2 District in its entirety. Said property is irregular in shape, has a frontage of approximately 366.18 feet on North Canfield-Niles Road and a frontage of 308.43 feet on Clarkins Drive, a mean depth of 337 feet as measured from North Canfield-Niles Road, is located at the northeast corner of the Clarkins Drive-North Canfield-Niles Road intersection; and is zoned as a Business B-2 District with the south easterly 93.27 x 189.17' zoned as an Industrial I-1 District and the north easterly 135.36' x 100' portion zoned as an Agricultural A-SER District.

Zoning Inspector Crivelli read the applicant's letter dated March 1, 2016 into the case record, referenced a plat map submitted with the letter of request, a sectional copy of the Austintown Township Zoning Map, the case mailing list, and three plat maps provided by the zoning office.

Zoning Inspector Crivelli read the following recommendation into the case record: **MAHONING COUNTY PLANNING COMMISSION:** Recommended **APPROVAL** of the request per the agenda.

James Sabatine, Jr., stated the reason for the zone change is to accommodate the necessary site size for a Sheetz prototype store. The property was acquired five years ago for redevelopment and they want to single out the best use for themselves, the township, the county, and sales tax dollars. He stated this project is a win-win for the township, county, the residents, and his company. They have taken a pro-active approach to site development and noted the dumpster being relocated as far from the residential property as possible and the car wash dryers being proposed closer to State Route 46 and away from the residential. Employee parking will be in the area of the zone change. He stated he met with the neighbors and they would like to have an eight foot vinyl fence. The site will be well lit with LEDs that shine down and light only the Sheetz property. There will be cameras for security purposes. The development will be safe and it will allow for the removal of two blighted properties. The building will be brick and have a professional look.

Atty. Price inquired about the property abutting against the residential and placement of the fence. Mr. Sabatine stated the property abuts two parcels owned by one person. He deferred the fence question to the Sheetz development personal.

David Mastrostefano, P.E., 817 Brookfield Drive, Seven Fields, PA 16046, stated he is an in-house engineer for Sheetz and introduced H.C. Fownes from the Sheetz Company. He stated they had a meeting with the Zoning Inspector and understand they will have to go through formal approvals. The building will measure 6,500 sq. ft. and face St. Rt. 46. It will have a fuel island canopy holding seven multi-pump fuel dispensers facing St. Rt. 46. The fuel island is proposed as far away from the residential as possible. A single bay automatic car wash will face St. Rt. 46 at the north end of the lot. The dumpster location was referenced on the site plan as being placed as far from the residential as possible while allowing drive isles for pick-up. The facility will have a drive-thru lane behind the building with touch screens inside a weather proof box. The pick-up window will be located at the north side of the store. Customer may then drive to the car wash or fueling islands after picking up their items. Full access is proposed at the southeast corner of Clarkins Drive with a right-out only proposed closer to the intersection of Clarkins Drive. Full access is proposed off of St. Rt. 46 and subject to ODOT approval. He referenced the que-lane for the single bay automatic car wash. There will be no attendant. There will be a screen to accept cash or credit cards. The car wash will also have a by-pass lane. There will be parking on all four sides of the facility with the northeast spaces being for employees. The gray areas on the drawing will be concrete. The green areas will be grass or some other type of landscape material. A board-on-board fence eight feet in height similar to the fence at Dunkin Donuts will be proposed along the property lines and the existing chain link fence will be removed.

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 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. Bronze features will be utilized on the roof for screening of equipment on the roof other than a break for the ladder to access the roof. Propane cages will be placed at the south elevation of the building.

Zoning Inspector Crivelli referenced the site plan drawings as Exhibit “A”, the front elevation drawing as Exhibit “B”, the rear elevation drawing as Exhibit “C”, and the canopy elevation drawings Exhibit “D”.

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 and creates 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. The canopy will be red.

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 and 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 serious by Sheetz.

Mr. Mastrostefano stated the drawings are preliminary but other than the site plan being adjusted for zoning requirements this is what will be proposed. The pole sign will be 16 feet high with the Sheetz brand logo. The existing billboard will have to be relocated. The dumpster enclosure will be the same brick as on the building and the gates will be bronze to maintain continuity.

Zoning Inspector Crivelli referenced the car wash drawing as Exhibit “E” and the signage drawing as Exhibit “F”.

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.

Zoning Inspector Crivelli referenced the drive-thru drawing as Exhibit “G”.

The last drawing reviewed was signage and the clearance bar for the car wash. The signage is in blue representing water.

Zoning Inspector Crivelli referenced the car was signage drawing as Exhibit “H”.

Atty. Price inquired about the car wash and water source. Mr. Mastrostefano observed they are replacing a multi-unit car wash with a single bay automatic car wash. City water will be used with two 1,500 gallon re-claim tanks and a grit chamber. Depending on the type of wash ordered the initial wash will get the grime and grit off the car and the water is directed into a containment area where the grit settles out to be vacuumed and the water recycled. No studies were done regarding how this may affect water pressure. They have not had water pressure problems at their other car washes.

Atty. Price inquired about fencing. Mr. Mastrostefano stated the vinyl fence is proposed along the northerly and east property line. The fence, employee parking, and the drive-up lane would be abutting the residential properties. Mr. Mastrostefano speculated by

reducing from a multiple bay car wash to a single bay car wash using recycled water would not cause water pressure problems.

Mr. Latone inquired about the brick on the retail building. Mr. Mastrostefano stated that is the design for the proposed building which will be two-tone brick.

Mr. Hendricks asked if the brick is a clay product or an architectural product measuring 8" x 16". Mr. Mastrostefano stated the block is not 8" x 16" and it is brick. The top is a brick unit and the base is still under design. He speculated a standard brick would be used on the bottom similar standard brick used at the top.

Mr. Hendricks inquired about the bronze roof screening. Mr. Mastrostefano stated it was not vinyl and speculated it was coated aluminum for weight purposes. The corner tower piece is standing seem metal. The fuel island canopy is vinyl although he could not be more specific.

Mr. Hendricks inquired about the dumpster and car wash locations. Mr. Mastrostefano responded that placing the dumpster at the Clarkins Drive access at the southeast corner of the property presents a safety hazard to employees and the motoring public. He stated pick-ups can be done at certain times in order to be residential friendly. The car wash is positioned as far forward as possible and it can be operated with the doors closed.

Henry Fownes, 5700 Sixth Avenue, Altoona, PA stated the car wash will not be a high volume facility. A wash cycle will last between 7 to 8 minutes. The car wash is designed to be a convenience for store customers. The que lane is a function of geometrically providing access from the lot with as little additional pavement and more green space as possible. An extended cab pick-up truck was used to design the turning radii and que line. The door will remain open as the car moves forward to allow the water jets to wash the under-carriage of the car. The door will eventually be down during the bulk of the car wash. The entrance door will be closed as the drying blowers are operating and the exit door closer to Rt. 46 will be open during the drying process.

Mr. Hendricks inquired about lighting. Mr. Mastrostefano stated they are sensitive to the residential and a photometric study will be conducted by a national firm located in Cincinnati. LED lights will be used and can be modeled for 0 foot candle at the property lines. The entrances leading to public right-of-way will be well lit for safety purposes.

There was discussion of the brick exterior. Mr. Mastrostefano stated the final design has not been selected but he assured the building will be brick. He offered to provide sample bricks for the Commission. Mr. Hendricks asked him to submit samples to the zoning office. Mr. Hendricks observed this is an improvement over the Burger King and car wash but reminded the applicant they are requesting the buffer be removed.

Mr. Sabatine stated the site is restricted against long hose fueling and the site will not be designed for tractor trailer access. He also stated the existing car wash had a few

automatic bays along with the self service bays and no employees working during evening hours.

Atty. Price inquired about relocating the dumpster to the southeast portion of the property. Mr. Mastrostefano stated that area is an entrance with a drive-thru que lane. The dumpster would have to be angled for service and it does not make sense from an engineering standpoint to put the dumpster at a main entrance into the facility. He also stated it would present a danger to the employees who have to access the dumpster when traffic is entering the property. There was discussion regarding the pickup of the dumpster. Mr. Mastrostefano stated they can work with the vendor regarding deliveries if the ordinance does not dictate a time restriction for deliveries and trash pick-up.

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

Nadine Macejko, 5482 Lou Ida Boulevard, advised the Commission that she is the property owner most impacted by the proposed rezone request. She submitted a letter of opposition marked as Exhibit "I" and thanked Mr. Hendricks and Atty. Price for inquiring about trash pick-up and the car wash. Dumpster pick-up is from midnight to 2:00A.M. for Dunkin Donuts and it is loud and unpleasant. She expressed concern regarding removing the buffer from her properties. She asked that the zone change not be approved. She will not be able to use her backyard due to the noise. Removing the buffer will be a domino effect going down Lou Ida. The change will make it difficult to resell their homes. She is not against development in Austintown and there are a lot of good things going on in Austintown. She advised the buffer was established in 1966 but has not been well maintained. She moved to her house in 1990. She also stated the existing car wash has caused noise problems for her over the years.

Thomas Dawson, 5455-5461 Lou Ida, stated he has lived there since 1948 and the buffer was established in 1969 and maintained in 2001. He also stated there is a power line along the buffer and a fence line. People try to jump the fence which protects their property from that type of activity. He stated the fence was placed center on the 100 foot buffer.

Nadine Macejko complained that since Pilot has opened their electrical power goes off 8 hours to 12 hours at a time and it negatively impacts their sump pumps. Atty. Price suggested that is circumstantial evidence.

No one in attendance to speak in opposition of the request.

Mr. Sabatine in rebuttal stated Sheetz is a big company and has more clout with trash haulers and since he is and will continue to be the property owner he will also make sure trash pick-up is not a problem. He disagreed with residential property values decreasing from this project. He suggested this is a better use than an adult business, a car wash, or independent restaurant who may do barbecues in the parking lot. This is the gateway to Clarkins Drive and this project will lead to future high quality projects such as an Applebees type of restaurant. This is a win-win for the township and sales tax for the

county. The project is better than a Chinese restaurant as Sheetz provides a higher level of service and quality. Mr. Sabatine suggested that a credit unions or a bank may consider locating on Clarkins Drive in the future is this project is approved. He stated this is better than having a barbecue pit there.

The Zoning Commission adjourned at 7:14P.M.

The Zoning Commission reconvened at 7:28 P.M.

Mr. Fownes stated Sheetz would have no problem locating the fence away from the neighbor's property lines versus placing it on the line. There was discussion of the radius of the drive lanes and edge of curb. There was also discussion of maintaining the fence.

2016-03-Z- Sabatine BK Development, LLC

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** for the southerly 80 feet with the northerly 20 feet to remain as an **Agricultural A-SER District** and with the following stipulations:

- 1) Exterior lighting shall consist of dark sky compliant light fixtures with a photometric site plan indicating zero (0) foot candles of light on adjacent residential properties; and
- 2) A solid fence measuring eight (8) feet in height to be placed a minimum of ten (10) feet west and south of Lot No. 16 located on Lou Ida Boulevard and ten (10) feet south of Lot No. 17 located on Lou Ida Boulevard

Seconded by Atty. Price.

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

Zoning Inspector Crivelli reviewed and gave clarification of the motion for the applicant and advised all that car washes and gas stations require a conditional use hearing before the Board of Appeals. He also stated the Trustees will hold a public hearing at a future date to be determined and notice will go out by mail. Mr. Hendricks advised the fence will be 10 feet from the residential property lines.

Mr. Swoger, III made a motion to adjourn the public hearing at 7:39P.M.

Seconded by Mrs. Sovik.

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

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There being nothing further to come before the Commission, the hearing was adjourned at 7:35 P.M.

AUSTINTOWN ZONING COMMISSION

Darren L. Crivelli, Zoning Inspector

APPROVED: _____
Mr. Latone – Chairman

DATE: _____