

AUSTINTOWN ZONING COMMISSION – JULY 28, 2016

PUBLIC HEARING
AUSTINTOWN ZONING COMMISSION
July 28, 2016

In accordance with Section 519.12 of the Ohio Revised Code, the Austintown Township Zoning Commission held a public hearing on Thursday, July 28, 2016, at the Township Hall, 82 Ohltown Road, Austintown, Ohio, for consideration of and recommendation to the Board of Township Trustees amendment requests 2016-05-Z and 2016-06-Z.

The following Commission members were in attendance:

Ron Latone – Chairman
Brett Hendricks – Vice Chairman
Atty. Robert Price
Keith Marstellar
Mark Cole

Bonnie Sovik -Absent
Sam Swoger, III - 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 Atty. Price to **APPROVE** the minutes of the May 5, 2016 public hearing.

Seconded by Mr. Marstellar.

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

Mr. Latone read the following statement:

The Public Hearing before the Austintown Township Zoning Commission for July 28, 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 2016-05-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 read the letter of application dated July 12, 2016 from Lanie West of Woolpert, Inc. into the case record. Also referenced was 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, two (2) pages of legal descriptions of the subject properties, a purchase agreement with the school and 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” x17” highlighted portion of the zone change request prepared by the zoning office.

Zoning Inspector read the following:

Mahoning County Planning Commission: Recommended **APPROVAL** of the two (2) requests per the agenda at their July 26, 2016 public meeting.

Lanie West, Woolpert, Inc., 4454 Idea Center Boulevard, Dayton, Ohio, stated she is representing both the owners of the properties and Meijers. Meijers is a family-owned business. They have been in existence for 80 years. Their concept is a hyper-market. They started out as a grocery store. About 50% of each store is groceries. There are 208 Meijer stores in the mid-west. Meijers stores are located in Illinois, Michigan, Ohio, Indiana, Kentucky, and Wisconsin.

Ms. West requested the easterly 50 foot buffer be reduced with the remainder supplemented with a solid screen fence measuring six (6) feet in height and landscape buffering. At the north end of the site the remaining R-1 buffer area will be approximately 28.9 feet wide. Moving in a southerly direction the buffer will widen to approximately 30 feet and increase to 43 feet at the south end. She emphasized a solid screen fence will be placed at the property line replacing the existing chain-link fence and evergreens planted 10 foot on center is also proposed and will also grow into a solid screen buffer. The rear of the library parcel is zoned R-1 but currently consists of a parking lot. Meijers will also use the library area for parking. The width of the zone change request area will consist of a grass strip measuring seven (7) feet wide within the original 50 foot area. The reason for the zone change request is so none of the proposed Meijer parking or driving area will be in the buffer.

Mr. Hendricks inquired as to the placement of the solid fence. Ms. West described the cross-section elevation view of the site with the dark solid line running through the middle of the building as what will be seen across the site. The chain link fence at the east property line will be replaced by a solid fence measuring six (6) feet in height. The fence will be either wood or vinyl. Ms. West stated Meijers prefers vinyl as they are less maintenance.

Mr. Hendricks inquired about the buffering at the north property line. Ms. West stated there is a PUD north of the property that has a substantial tree line with a detention basin and stream. Mr. Hendricks observed the trees are on the PUD property and noted no buffering is being proposed at the north property line. Ms. West agreed with the observation regarding existing trees and noted the ordinance buffer requirement is ten

(10) feet and they will provide a setback of 19 feet from the pavement line to the rear property line. The driveway behind the site will not be heavily utilized as all activity will be on the west side of the building where the truck docks are to be located. The site was massaged so the building and parking would fit on the land and it complements the surrounding uses. The garden center at the east side of the building was reduced 18 feet so as not to encroach on the buffer area and there is no need for trucks to go behind the site. The back of the site is a solid building neutral in color with a wall 17'4" in height. Ms. West speculated the existing trees are probably higher than the building.

Zoning Inspector Crivelli marked the site plan as Exhibit "A" and the cross-section as Exhibit "B".

No one else offered testimony in support of the request.

Tina Martin, 125 Fitch Boulevard, Unit 258, asked about the back line. She approached the site plan and inquired about the chain link fence. Mr. Hendricks's stated they are not proposing any additional buffering at the north side of the property.

No one else offered testimony in opposition of the request.

The Austintown Township Zoning Commission adjourned at 6:21 P.M.

The Austintown Township Zoning Commission reconvened at 6:34 P.M.

2016-05-Z-Meijer Stores Limited Partnership & Austintown Township Board of Education: 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. Marsteller – Yes; and Mr. Latone – Yes.

2016-06-Z-Meijer Stores Limited Partnership & OLOM, LTD: 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:

AUSTINTOWN ZONING COMMISSION – JULY 28, 2016

- 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.

Atty. Price made a motion to adjourn the public hearing at 6:40 P.M.

Seconded by Mr. Marstellar.

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

There being nothing further to come before the Commission, the hearing was adjourned at 6:40 P.M.

AUSTINTOWN ZONING COMMISSION

Darren L. Crivelli, Zoning Inspector

APPROVED: _____
Mr. Latone – Chairman

DATE: _____