

AUSTINTOWN TOWNSHIP TRUSTEES, MAY 22, 2017

PUBLIC HEARING
AUSTINTOWN TOWNSHIP TRUSTEES
May 22, 2017

In accordance with Section 519.12 of the Ohio Revised Code, the Austintown Township Trustees held a public hearing on Monday, May 22, 2017, at the Austintown Township Administration Building, 82 Ohltown Road, Austintown, Ohio, for final determination of amendment request 2017-01-Z-Lidl.

The following Trustees were in attendance:

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

The Public Hearing was opened at 6:00 P.M.

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

Mr. Stauffer gave the following statement:

The Public Hearing before the Austintown Township Board of Trustees for May 22, 2017 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 sent 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 2017-01-Z

Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, Pennsylvania, 15205, on behalf of the Estate of Georgia Jordon, 350 Wilcox Road, Austintown, Ohio,

44515, requests the rezoning of the southerly 1.46 acre portion of two parcels of land containing a combined total of approximately 2 acres, Tract 8, Parcels 48-058-0-008 and 48-058-0-009, 6135 and 6147 Mahoning Avenue, Austintown Township, from Residence R-1 Districts to Business B-2 Districts in their entirety. 6135 Mahoning Avenue is rectangular in shape and located on the south side of the Mahoning Avenue right-of-way approximately 234.52 feet west of the Wilcox Road–Mahoning Avenue intersection. 6147 Mahoning Avenue is rectangular in shape and located on the south side of the Mahoning Avenue right-of-way approximately 312.62 feet west of the Wilcox Road–Mahoning Avenue intersection. Said properties are zoned as Business B-2 Districts for a depth of 150 feet with the southerly remainder zoned as Residential R-1 Districts in Austintown Township, Mahoning County, State of Ohio.

Zoning Inspector Crivelli referenced the applicant’s letter of request dated March 28, 2017, referenced the “Estate of Georgia Jordan” document, an alta survey, a proposed site plan, the case mailing list, five plat maps prepared by the zoning office, the sign-in sheet from the April 27, 2017 zoning commission hearing, and the minutes of the zoning commission public hearing.

Zoning Inspector Crivelli advised the Mahoning County Planning Commission recommended **APPROVAL** of the request per the agenda at their April 25, 2017 meeting.

Zoning Inspector Crivelli stated the following:

Motion by Mrs. Sovik to **ACCEPT** the recommendation of the Mahoning County Planning Commission and recommend **APPROVAL** of the request to **Business B-2 Districts** with the stipulation that a photometric site plan will be required indicating zero (0) foot candles of light on adjacent properties.

Seconded by Mr. Cole.

Roll call vote: Mrs. Sovik – Yes; Mr. Cole – Yes; and Mr. Hendricks – Yes.

Wes Patterson representing Lidl stated the company likes corner lots in general and this corner lot in particular. They are new to America and building stores in the Carolinas and Virginia. They want to move across the county and like Austintown. He referenced the spilt zoning on the site and requested the latter portion go along with the commercial depth in the corridor.

Mr. Carano inquired about the store. Mr. Patterson stated there are no other stores like Lidl. The company is German and has German efficiency. They have had public events the last few months to show their efficiency. They will carry the six or eight best products in a given product line such as peanut butters. They are 95% private label. The goal is to get your entire week of groceries in one trip.

Mr. Carano inquired about employees. Mr. Patterson speculated 35 to 45 part and fulltime employees.

Mr. Stauffer inquired about the number of store openings. Mr. Patterson stated they hoped to open ten new stores in June and 100 openings within a year. The ten year plan is to open 1,200 to 1,400 stores.

Jim Brenner, 224 Wilcox Road, inquired about the property being zoned, the space the store will occupy, access, and a projection date. Mr. Brenner approached the Board to review the proposed site plan. Trustees Davis pointed out the access road and reviewed the site plan with him. Mr. Brenner expressed concern about traffic congestion and entrance and exit from the gated community. Mr. Stauffer advised of the three separate lots to be developed. Adam P. Whalen, Civil & Environmental Consultants stated the building will be 35,962 square feet and explained the site layout.

Mr. Brenner asked if this store can be competitive with current retail and the new store coming down the road. He expressed concern about too much competition leading to empty buildings. Mr. Patterson stated there is a niche in the market here they can fulfill. He anticipates success. This is a large investment. He invited everyone to visit their stores if they are near the beaches of the Carolinas.

Mike Rinko, 242 Wilcox Road, stated three lanes are needed from Mahoning Avenue to the Wal-Mart entrance. At times he has been stuck at that intersection for three light cycles. Zoning Inspector Crivelli advised a traffic study will be required and the study designed meet the criteria of the Mahoning County Engineer's Office. Mr. Patterson advised a preliminary study has been conducted but not submitted for review. Zoning Inspector Crivelli advised if road improvements are warranted based on the study than the zoning office will require the improvements. If improvements are not warranted than there will be none. The zoning office will work in conjunction with the Engineer's Office as Wilcox Road and Mahoning Avenue are county roads. The County will require the traffic study to have certain design criteria and it is a process Lidl will have to undertake. Zoning Inspector Crivelli cited as an example the Meijers traffic study. Mr. Rinko asked about the criteria. Zoning inspector Crivelli referred him to the engineer's office. Mr. Rinko complained about the big trucks at Wal-Mart. Mr. Davis expressed faith in Mr. Ginnetti and advised he will contact him. Mr. Rinko asked if that should have been widened years ago. Mr. Carano stated it was about 18 years ago and a new base was constructed but the road was only widened a few feet. Mr. Whalen stated their firm has a traffic engineer and have done a preliminary study and will do a traffic impact study and if an extra lane is needed they will work with the community to get it done.

Joseph Labozan, 124 Wilcox Road, asked if the study is going to be semi-truck traffic or passenger cars. Zoning Inspector Crivelli advised the traffic study will take into account Lidl traffic and existing traffic. Mr. Labazon inquired about acquiring right-of-way. Mr. Whalen deferred an answer for the study. Mr. Labazon inquired about future hearings. Zoning Inspector Crivelli advised there will be no more hearings if they can meet all the zoning requirements and a decision regarding public improvements will be made once

their traffic study has been submitted and reviewed. If they can't meet the zoning requirements they would have the option of appearing before the Board of Appeals, he further advised this hearing is just to take into account a request to rezoning to commercial depths that already exist on Mahoning Avenue and stated it was beneficial that we know who the end user will be versus a zoning change for speculative purposes. Mr. Rinko advised about a gas well. Mr. Whalen responded the survey did not show a gas well on the property. There was discussion about a substation.

Ms. Yacucci, 44 North Roanoke Avenue, asked if this can be sustained. There are four other grocery stores. Why do they need to go to this intersection? How is this different than Aldi's. Mr. Carano stated no store comes to Austintown without first doing a study to see if they will be successful. He also stated we have no right to tell them they cannot locate here because we do not want another store. He further stated the process in marketing is to mass gather. Their success is not an issue with this Board. No one going to spend millions of dollars unless they think they are going to be successful. Ms. Yacucci asked if this store is like Aldi's or Meijers. She is worried about traffic.

Nicholas Lefoer, 246 Wilcox Road, stated there will be five entrances onto Wilcox Road. He stated there is a blind corner and a house for the disabled. You have one second or you are testing fate. He handles millions of dollars every single day and the demographics are wrong. Wal-Mart was just fined 480 million dollars for bribery. If I were going to build a store I would put it where there is no competition. You do not follow other stores around. If we have 25 stores between Turner Road and Mahoning Avenue, such as Aldi's, Family Dollar, Dollar General, and Doller Tree in the real world these are ghetto stores. They are lower life lower quality stores. Austintown has alternatives to this. You have to think about what you are doing. The Pink Elephant Lounge is at or near becoming an historic site. Wouldn't it be nice to have something Austintown could be proud of that we have had a long time. There are ways to fix this. K-Mart is hanging on by a thread. JC Penney's is going. Gas prices are good to sustain the economy but it won't be here for long. Mr. Carano emphasized the Board does not have a right to stop a store from locating to Austintown. Mr. Lofeer asked if there was any planning or does the property go to the highest bidder. Mr. Carano stated there are probably very few bidders for the property. Zoning Inspector Crivelli stated the owner of the Pink Elephant can invest in the property or sell the property and Lidl has advised they have a purchase agreement to buy they property. The township is not going to be involved with the Jordan family regarding discussions about selling the property. Mr. Lofeer expressed concern of watching another Austintown landmark go.

Kevin Wilcox, 4217 Selkirk Avenue, stated he owns the corner lot and the gas well was dead. The area is a gathering for other wells to meet.

Mike Rinko inquired about an exit or entrance off Wilcox. Mr. Stauffer answered in the affirmative.

Carol Brenner, 224 Wilcox Road, stated she is new to the area and realizes leaving the gated community and the distance between the exit and Mahoning Avenue is not very far.

She is not opposed to the business but is opposed to the driveway coming off Wilcox Road. She stated traffic from the bank and Home Depot are a problem at the light. She asked how many jobs this will create, union or non-union, wage rates, can the jobs be compared to some other businesses in the area. Mr. Patterson stated he could better answer that question in about a month when they start opening stores. He speculated from 35 to 45 part-time and full-time employees. He also mentioned the store will have vendors and suppliers. Ms. Brenner inquired about how far the business will be from the condos. She approached the Board and reviewed the site plan. Zoning Inspector Crivelli estimated the distance at 200 to 250 feet. He also stated he will defer to the residents wishes for buffering and strongly recommended a plant material buffer versus fencing, otherwise, the condo association can meet and send a letter requesting a specific buffer. He referenced the pine tree buffer across the street from the library on South Raccoon Road. He also stated he would not give Lidl credit for the condo association buffer of arborvitaes.

Mr. Patterson stated they will follow the code regarding buffering.

Mr. Carano observed the objections are not toward the store but traffic concerns.

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

No one else in attendance to speak against the request.

The Trustees adjourned at 6:49 P.M.

The Trustees reconvened at 6:51 P.M.

2017-01-ZA-Lidl: Motion by Mr. Carano to accept the recommendation of the Austintown Township Zoning Commission and approve the request to Business B-2 Districts in their entirety with the stipulation that a photometric site plan will be required indicating zero (0) foot candles of light on adjacent properties.

Seconded by Mr. Davis.

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

Mr. Davis stated they could have voted no to stop the project but the Board of Trustees need to look at business plans such as Lidl's or Tractor Supply's. These decisions have impact on the township in coming years. He stated the Pink Elephant as being a nice "hole in the wall" establishment and a good place to get a drink and he loves it there and hates to see places like that close. However, there is a reputable company coming that doesn't want to do harm to our community. He compared alternative uses for the property such as a used car lot and stated there are a couple on Mahoning Avenue, especially by Route 11, that do not look good. Right now in front of the Board is a proposal for a reputable company to locate there. He advised Mr. Rinko that he has always given him his word and the Township will make sure a traffic study is submitted

to Mr. Ginetti. If the study calls for the road being widened than it will be widened. If it doesn't need to be done, then ok, but it can be revisited sometime in the future. He mentioned the road from the exit of Wal-Mart to Mahoning Avenue is made of concrete and handles truck traffic. You always have to look at what is in front of you right now. He hates to see the Pink Elephant leave but hopes it can be relocated. He is excited about any development that is good for Austintown.

Motion by Mr. Davis to adjourn the public hearing.

Seconded by Mr. Stauffer.

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 6:59 P.M.

AUSTINTOWN TOWNSHIP TRUSTEES

Darren L. Crivelli, Zoning Inspector

APPROVED: _____
Rick Stauffer – Chairman

DATE: _____

APPROVED: _____
Laura L. Wolfe, Fiscal Officer

DATE: _____