

PUBLIC HEARING
AUSTINTOWN TOWNSHIP TRUSTEES
August 13, 2018

In accordance with Section 519.12 of the Ohio Revised Code, the Austintown Township Trustees held a public hearing on Monday, August 13, 2018, at the Austintown Township Administration Building, 82 Ohltown Road, Austintown, Ohio, for final determination of amendment request 2018-02-Z.

The following Trustees were in attendance:

James C. Davis - Chairman
Kenneth A. Carano – Vice-Chairman
Doug McGlynn – Trustee

The Public Hearing was opened at 7:40 P.M.

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

Mr. Davis gave the following statement:

The Public Hearing before the Austintown Township Board of Trustees for August 13, 2018 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, then 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.

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

AMENDMENT 2018-02-Z

DCMD Holdings, LLC, 6388 Calvary Court, Austintown, Ohio, 44515, and Green Leaf Landscape Supply, Inc., 1430 South Canfield-Niles Road, Austintown, Ohio, 44515, requests the rezoning of two (2) parcels of land containing a combined total of 1.098 acres, Tract 9, Parcels 48-120-0-007 and 48-120-0-008, 1350 South Canfield-Niles Road, Austintown Township, from Residential R-1 Districts and Agricultural A-SER Districts to Business B-1 Districts and the southerly 0.27 acres (30' x 392.85') of a parcel of land containing a total of approximately 5.794 acres, Tract 9, Parcel 48-120-0-009, 1430

South Canfield-Niles Road, Austintown Township, from an Agricultural A-SER District and Business B-2 District to a Business B-1 District, with the combined total of 1.253 acres of land to be contained within "Lot No. 1" of the proposed "C. Raymond Plat No. 1". Parcels 48-120-0-007 and 48-120-0-008, 1350 South Canfield-Niles Road, are rectangular in shape having a combined frontage of 109 feet and a mean depth of 392.79 feet, are located approximately 622 feet south of the Notre Dame-South Canfield-Niles Road intersection; and are zoned as Residential R-1 Districts for a depth of 150 feet with the westerly remainder zoned as Agricultural A-SER Districts. Parcel 48-120-0-009, 1430 South Canfield-Niles Road is irregular in shape, has a frontage of approximately 362 feet on South Canfield-Niles Road and a frontage of 189.08 feet on Notre Dame Avenue and a mean depth of 530 feet, is located approximately 260 feet south of the Notre Dame-South Canfield-Niles Road intersection and approximately 328.37 feet west of the Notre Dame-South Canfield-Niles Road intersection; and is zoned as a Business B-2 District for a depth of 167 feet with the westerly remainder zoned as an Agricultural A-SER District within Austintown Township, Mahoning County, State of Ohio.

Zoning Inspector Crivelli referenced the applicant's letter of request dated June 15, 2018, and a letter of permission from Green Leaf Supply allowing Dr. Raymond to represent their interest at the public hearings. Also referenced was the C. Raymond Plat No. 1 drawing and two supporting pages of documents, the minutes of the zoning commission hearing, the July 26, 2018 public hearing sign-in sheet, the case mailing list, and five plat maps prepared by the zoning office.

Zoning Inspector Crivelli read the following recommendations into the case record:

MAHONING COUNTY PLANNING COMMISSION: Recommended **APPROVAL** of the request per the agenda at their meeting held on July 24, 2018.

AUSTINTOWN TOWNSHIP ZONING COMMISSION: Motion by Mr. Cole to **ACCEPT** the recommendation of the Mahoning County Planning Commission and recommend **APPROVAL** of the request to a **Business B-1 District** with the stipulation that the rear buffer is to be a minimum of five feet and consist of a combination of solid fencing and arborvitae (July 26, 2018).

Seconded by Mr. Shepas.

Roll call vote: Mr. Cole – Yes; Mr. Marstellar – Yes; Mr. Shepas – Yes; and Atty. Price – Yes.

Dr. Chris Raymond, 6388 Calvary Court, Austintown, Ohio, 44515, stated they purchased the property at 1350 South Canfield-Niles Road and razed the dwelling. They acquired an additional 30 feet from Greenleaf in order to build a 14,000 square foot medical office building with parking to meet zoning requirements. The building will be two stories with 70 parking stalls. The hope is to break ground by September and open by June, 2019.

Mr. Carano inquired about the future use of the building. Dr. Raymond stated he will operate his practice from the new building, along with two internal medical doctors, a nurse practitioner, and an orthopedic surgeon with his physician's assistant. The entire second story will be leased to other medical users. There will be a covered metal walkway way leading to x-ray rooms in the existing building. There will be three different practices with one common waiting room in order to reduce overall expenses.

Mr. McGlynn inquired about his current location. Dr. Raymond stated Mercy wants to expand their footprint in Austintown and will take over his spot within thirty days after his departure. He has been practicing about ten years and this is the next logical step.

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

No one in attendance to speak against the request.

2018-02-Z- DCMD Holdings, LLC: Mr. McGlynn made a motion to accept the recommendation of the Austintown Zoning Commission and **approve** the amendment to a Business B-1 District with the stipulation that the rear buffer is to be a minimum of five feet and consist of a combination of solid fencing or arborvitae.

The motion was seconded by Mr. Carano.

Roll Call Vote: Mr. McGlynn – Yes; Mr. Carano – Yes; Mr. Davis – Yes.

Zoning Inspector Crivelli advised the buffer should be depicted on the plans as arborvitae three to four feet in height planted three feet on center with a footnote that the arbs can be substituted with a solid fence measuring six feet in height if that is the preference of the abutting property owner. The zoning office will require arbs if the neighbors don't have a preference. He also suggested ODOT be contacted regarding curbing and gutter on the South Canfield-Niles Road right-of-way and he also advised touching base with ODOT regarding the temporary construction entrance.

Mr. Davis thanked Dr. Raymond for investing in the community and for his work with the schools.

Motion by Mr. Carano to adjourn the public hearing and to recess into executive session to consider the appointment, employment, discipline, or compensation of public employees.

Seconded by Mr. Davis.

Roll Call Vote: Mr. Carano – Yes; Mr. Davis – Yes; Mr. McGlynn – Yes.

There being nothing further to come before the Trustees, the public hearing was adjourned at 7:51 P.M.

AUSTINTOWN TOWNSHIP TRUSTEES

Darren L. Crivelli, Zoning Inspector

APPROVED: _____
James C. Davis – Chairman

DATE: _____

APPROVED: _____
Laura L. Wolfe, Fiscal Officer

DATE: _____