

**PUBLIC HEARING**  
**AUSTINTOWN ZONING COMMISSION**  
April 27, 2017

In accordance with Section 519.12 of the Ohio Revised Code, the Austintown Township Zoning Commission held a public hearing on Thursday, April 27, 2017, at the Township Hall, 82 Ohltown Road, Austintown, Ohio, for consideration of and recommendation to the Board of Township Trustees proposed Amendment 2017-01-Z-Lidl.

The following Commission members were in attendance:

Brett Hendricks – Vice Chairman  
Bonnie Sovik  
Mark Cole

Atty. Robert Price - Absent  
Ron Latone – Chairman - Absent

Keith Marstellar and Sam Swogger arrived late and did not participate in the hearing.

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

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

Motion by Mrs. Sovik to appoint Mr. Latone Chairman of the Zoning Commission for calendar year 2017.

Seconded by Mr. Cole.

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

Motion by Mr. Cole to appoint Mr. Hendricks Vice-Chairman of the Zoning Commission for calendar year 2017.

Seconded by Mrs. Sovik.

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

Motion by Mrs. Sovik to **APPROVE** the minutes of the October 27, 2016 public hearing.

Seconded by Mr. Cole.

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

**AMENDMENT 2017-01-Z**

Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, Pennsylvania, 15205, on behalf of the Estate of Georgia Jordan, 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 read the applicant’s letter of request dated March 28, 2017 into the case record, referenced the “Estate of Georgia Jordan” document, a survey drawing, a proposed site plan, the case mailing list and four plat maps prepared by the zoning office.

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

Christopher J. Remley, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, Pennsylvania, 15205, stated he is representing Lidl for the proposed grocery store. He referenced on the alta survey three properties and pointing out the two parcels in question being zoned Business B-2 for 150 feet with the remainder zoned R-1. The three parcels would be

consolidated into one parcel if the zoning is approved. He referenced a conceptual site plan for the proposed Lidl with the building being approximately 36,000 square feet, the parking, access from Mahoning Avenue, a secondary access off of Wilcox Road lining up with the access at Wal-Mart. He stated a traffic impact study has been done which calls for a turning lane based on the traffic generation of the development. The project will not move forward without the rezoning.

Mr. Hendricks inquired about the traffic study. Mr. Remley stated the traffic study has not been submitted for approval, it is internal with the purpose to determine what the traffic generation will be and what improvements are warranted to help provide a process for the developer.

Joseph Labozan, 124 Wilcox Road, asked if Wilcox Road is going to be widened as it was not designed for semi-truck traffic.

James Agler, 1600 Hoffman Drive, Lordstown, Ohio, 44481, stated he did not oppose the zone change but questioned the process for a zone change. Zoning Inspector Crivelli advised of the zoning process and an approval or modification will become effective within 30 days and the zoning map will change. Mr. Agler asked if the zone change is approved and the buyers back out what will happen to the property taxes. Zoning Inspector Crivelli advised contacting the auditor for an answer for the property tax question. Mr. Agler inquired about a closing date so he can advise his employees of their pending job termination. Zoning Inspector Crivelli advised of the private nature of the purchase transaction and suggested talking to Lidl representatives after the hearing.

Effe Jordan, 6378 Ridgeview Avenue, Austintown, Ohio, spoke in favor of the request.

San Jordan, 6378 Ridgeview Avenue, Austintown, Ohio, spoke in favor of the request.

Joseph Labozan stated we have Giant Eagle, Wal-Mart, and Meijer is coming so who is closing up first?

Teddi Oberman, 5974 Callaway Circle, gave the following statement:

My name is Teddi Oberman and I reside at 5974 Callaway Circle and am an Austintown Township taxpayer.

I am here to voice my opposition to the re-zoning of the property on the corner of Wilcox and Mahoning. My reasons being the following: There are 3 condo associations within less than a mile from this corner property. Basically, the 3 associations are land locked and have one way out and in to their property and it's on Wilcox. I reside in one of the associations.

There is an entrance and exit to Walmart in this same area off of Wilcox across from the proposed re-zoning property where semis do enter and exit from Mahoning Avenue.

The chicken place on the corner across from this proposed re-zoning property has a very short entrance span off Wilcox which had, in the past, caused turning problems from Mahoning Avenue onto Wilcox. I am told this property has been sold to another business. I am proposing this new business reconfigure another entrance/exit instead of the one very near Mahoning Avenue as I had just stated.

Also, across from this proposed re-zoning property is a residential home for adults with disabilities on Wilcox where a bus picks up and drops off people twice a day. This always causes a traffic tie-up both ways on Wilcox near Mahoning Avenue for several minutes--twice a day.

Across the street from Wilcox at the traffic light on Mahoning Avenue are the lanes exiting the property from Austintown Plaza and adjoining businesses. Drivers do not adhere to the right-of-way traffic turning east from Wilcox onto Mahoning Avenue or West toward N. Jackson onto Mahoning Avenue. I would like to propose a request for a new traffic light installed with turning arrows both ways.

Three grocery stores already exist close to less than a mile from this proposed re-zoning property. There is Wal-Mart, Aldi's and Giant Eagle all on Mahoning Avenue. Is the sole purpose of re-zoning this site only to create competition with Aldi's since both are competitors? And, is this at the expense of the residential area around this re-zoning property?

I do hope the Township and Zoning Board take another look around this corner site and reconsider the re-zoning of this property! PLEASE

I thank the board for giving me the opportunity to present my views and opposition to this proposed re-zoning in my neighborhood!

### IT IS NOT A BEAUTIFUL DAY IN MY NEIGHBORHOOD

John Knox, 174 Wilcox Road, stated Wilcox Road is a narrow two lane road and trucks have problems entering and exiting Wal-Mart. He also stated Wilcox Road washes out during heavy rain storms and the storm water comes into the Cross Creek property. He expressed concerns regarding more storm water and congestion at the intersection. Traffic and storm water are important issues. He stated he is not necessarily against the zone change as the corner property is an eyesore. Wilcox Road must be addressed.

Mr. Remley stated none of the storm water should be going to Wilcox Road once they grade the site and they will have multiple ponds for storm water management. There will be a buffer on the site for the benefit of the residents behind the project. They will try to keep as many existing trees as possible. The traffic study will look at the entire corridor in terms of traffic counts and how Lidl's additional traffic will impact that and as part of the approval process they will meet all standards that need to be met.

Mr. Hendricks inquired about the traffic study. Mr. Remley stated the traffic study included Wilcox Road and indicated no warrants for improvements but does warrant a deceleration lane on Mahoning Avenue.

Mr. Hendricks inquired about semi-truck access. Mr. Remley stated trucks will enter on Mahoning Avenue than exit onto Wilcox Road. It would be possible to exit from Mahoning Avenue.

Mr. Hendricks inquired about the storm water design. Mr. Remley stated the storm water management depicted is conceptual at this point in time. A final design will be undertaken if the zoning request is approved. Zoning Inspector Crivelli advised the storm water design has to meet the design criteria of the Mahoning County Engineer's Office which is currently the 100 year storm. Mr. Remley referred a table on the drawing indicating the township zoning code will be met. Mr. Hendricks observed that the traffic study has not been submitted to ODOT. Mr. Remley stated they talked to

ODOT. Zoning Inspector Crivelli asked if they talked to ODOT or the county. Mr. Remely thought he talked to the county.

Mr. Hendricks inquired about the buffering. Mr. Remely stated there will be buffering and they will have to meet the zoning requirements. He referenced buffering areas on the exhibit. Zoning Inspector Crivelli advised the residents will have input to the buffer which may include fencing. He also advised no credit will be given for the arborvitaes on the abutting condo property.

Mr. Sovik inquired about lighting. Mr. Remely stated the building will have wall pack-lighting with a couple lights in the parking lot. The lights will be designed to light the lot but not the abutting properties. They will achieve 0 foot candles at the property lines. They can place shields on lights near the residential properties.

Teddi Oberman, 5974 Callaway Circle, asked what drew the company to this site.

Joseph Labozan, 124 Wilcox Road, inquired about trash receptacles.

A question was asked about test borings.

Wes Patterson, development manager for Lidl U.S., 260 South Four Street, Columbus, Ohio, stated Lidl is a new concept to the U.S. Grocery stores are more successful when they are clustered in a retail area. This area has good traffic counts, it an area where another grocery store can be successful, the area has a good median household income level, they want to appeal to a diverse market, and they like corner locations with good access. Lidl is trying to have a zero net waste. They recycle and are into renewable energy. Their design will be close to LEED gold standards. The trash dumpster will be at the back of the house. A geo-tech study was done of the site (Mr. Patterson did not provide any specific information from the study).

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

No one else in attendance to speak against the request.

The Zoning Commission adjourned at 6:45 P.M.

The Zoning Commission reconvened at 6:52 P.M.

Zoning Inspector Crivelli stated the alta survey would be marked as Exhibit “A” and the conceptual site plan will be marked as Exhibit “B”.

**2017-01-Z-Lidl:** 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.

Zoning Inspector Crivelli advised the Trustees will hold a hearing for final determination of the request in the near future. Once the date is determined mailings will be sent.

Motion by Mrs. Sovik to adjourn the public hearing.

Seconded by Mr. Cole.

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

There being nothing further to come before the Commission, the hearing was adjourned at 6:50 P.M.

AUSTINTOWN ZONING COMMISSION

Darren L. Crivelli, Zoning Inspector

APPROVED: \_\_\_\_\_

Mr. Latone - Chairman

DATE: \_\_\_\_\_