

PUBLIC HEARING
BOARD OF TOWNSHIP TRUSTEES
May 29, 2007

In accordance with Section 519.12 of the Ohio Revised Code, the Austintown Township Trustees held a public hearing on Tuesday, May 29, 2007, at the Township Hall, 82 Ohl-town Road, Austintown, Ohio, to consider and act upon the recommendation of the Town-ship Zoning Commission in Case Nos. 07-02-Z, 07-03-Z, 07-04-Z, 07-05-Z, 07-06-Z, 07-07-Z, 07-08-Z, 07-09-Z, 07-10-Z, and 07-11-Z.

The following Board members were in attendance:

Warren Pritchard – Chairman
David Ditzler
Lisa Oles

The public hearing was opened at 5:15 P.M. by Chairman Pritchard.

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

07-02-Z - Visconsi Companies, Ltd., 360 Corporate Circle, 30050 Chagrin Boulevard, Pepper Pike, Ohio, 44124, on behalf of Joseph Herman, 67 Lexington Place, Youngstown, Ohio, 44515, requests the rezoning of two parcels of land containing a combined total of approximately 0.26 acres, from a Residence R-2 District to a Business B-2 District. Said property, being further described as Lot Nos. 1842 and 1843, Wickliffe Commercial Subdivision, is located at the southeast corner of Lexington Place and Oakwood Avenue, have a combined frontage of 40 feet, a depth of 140 feet; and is zoned as a Residence R-2 District.

07-03-Z - Visconsi Companies, Ltd., 360 Corporate Circle, 30050 Chagrin Boulevard, Pepper Pike, Ohio, 44124, on behalf of John Paventi, 63 Lexington Place, Youngstown, Ohio, 44124, requests the rezoning of a parcel of land containing 0.13 acres, from a Residence R-2 District to a Business B-2 District. Said property, being further described as Lot No. 1844, Wickliffe Commercial Subdivision, is located on the east side of Lexington Place, 125 feet south of the Lexington Place-Oakwood Avenue intersection, has a frontage of 40 feet, a depth of 140 feet; and is zoned as a Residence R-2 District.

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07-04-Z - Visconsi Companies, Ltd., 360 Corporate Circle, 30050 Chagrin Boulevard, Pepper Pike, Ohio, 44124, on behalf of John and Sandra Loveland, 61 Lexington Place, Youngstown, Ohio, 44515, requests the rezoning of a parcel of land containing

0.13 acres, from a Residence R-2 District to a Business B-2 District. Said property, being further described as Lot no. 1845, Wickliffe Commercial Subdivision, is located on the east side of Lexington Place, 200 feet south of the Lexington Place-Oakwood Avenue intersection, has a frontage of 40 feet, a depth of 140 feet; and is zoned as a Residence R-2 District.

07-05-Z - Visconsi Companies, Ltd., 360 Corporate Circle, 30050 Chagrin Boulevard, Pepper Pike, Ohio, 44124, on behalf of Patrick and Diane Williams, 59 Lexington Place, Youngstown, Ohio, 44515, requests the rezoning of two (2) parcels of land containing a combined total of 0.19 acres, from a Residence R-2 District to a Business B-2 District. Said property, being further described as Lot No. 1846, and the northerly half of Lot No. 1847, Wickliffe Commercial Subdivision, is located on the east side of Lexington Place, 225 feet south of the Lexington Place-Oakwood Avenue intersection, has a combined frontage of 60 feet, a depth of 140 feet; and is zoned as a Residence R-2 District.

07-06-Z - Visconsi Companies, Ltd., 360 Corporate Circle, 30050 Chagrin Boulevard, Pepper Pike, Ohio, 44124, on behalf of Marius Hicks, 45 Lexington Place, Youngstown, Ohio, 44515, requests the rezoning of two (2) parcels of land containing a combined total of 0.19 acres, from a Residence R-2 District to a Business B-2 District. Said property, being further described as the southerly half of Lot no. 1847 and Lot No. 1848, Wickliffe Commercial Subdivision, is located on the east side of Lexington Place, 275 feet south of the Lexington Place-Oakwood Avenue, intersection, has a frontage of 60 feet, a depth of 140 feet; and is zoned as a Residence R-2 District.

07-07- Z - Visconsi Companies, Ltd., 360 Corporate Circle, 30050 Chagrin Boulevard, Pepper Pike, Ohio, 44124, on behalf of Anthony and Peggy Protain, 41 Lexington Place, Youngstown, Ohio, 44515, requests the rezoning of a parcel of land containing 0.13 acres, from a Residence R-2 District to a Business B-2 District. Said property, being further described as Lot No. 1849, Wickliffe Commercial Subdivision, is located on the east side of Lexington Place, 325 feet south of the Lexington Place-Oakwood Avenue intersection, has a frontage a 40 feet, a depth of 140 feet; and is zoned as a Residence R-2 District.

07-08-Z - Visconsi Companies, Ltd., 360 Corporate Circle, 30050 Chagrin Boulevard, Pepper Pike, Ohio, 44124, on behalf of Howard Martin Dean and Mary Jo Dean, 37 Lexington Place, Youngstown, Ohio, 44515, requests the rezoning of a parcel of land containing 0.13 acres, from a Residence R-2 District to a Business B-2 District. Said property, being further described as Lot no. 1850, Wickliffe Commercial Subdivision, is located on the east side of Lexington Place, 375 feet south of the Lexington Place-Oakwood Avenue intersection, has a frontage of 40 feet, a depth of 140 feet; and is zoned as a Residence R-2 District.

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Oakwood Avenue intersection, has a frontage of 40 feet, a depth of 140 feet; and is zoned as a Residence R-2 District.

07-09-Z - Visconsi Companies, Ltd., 360 Corporate Circle, 30050 Chagrin Boulevard,

Pepper Pike, Ohio, 44124, on behalf of Melissa K. Miles, 35 Lexington Place, Youngstown, Ohio, 44515, requests the rezoning of a parcel of land containing 0.13 acres from a Residence R-2 District to a Business B-2 District. Said property, being further described as Lot No. 1851, Wickliffe Commercial Subdivision, is located on the east side of Lexington Place, 400 feet south of the Lexington Place-Oakwood Avenue intersection, has a frontage of 40 feet, a depth of 140 feet; and is zoned as a Residence R-2 District.

07-10-Z - Visconsi Companies, Ltd., 360 Corporate Circle, 30050 Chagrin Boulevard, Pepper Pike, Ohio, 44124, on behalf of William and Judith Simpson, 31 Lexington Place, Youngstown, Ohio, 44515, requests the rezoning of two (2) parcels of land containing a combined total of 0.19 acres, from a Residence R-2 District to a Business B-2 District. Said property, being further described as Lot No. 1852 and the northerly half of Lot No. 1853, Wickliffe Commercial Subdivision, is located on the east side of Lexington Place, 450 feet south of the Lexington Place-Oakwood Avenue intersection, has a frontage of 60 feet, a depth of 140 feet; and is zoned as a Residence R-2 District.

07-11-Z - Visconsi Companies, Ltd, 360 Corporate Circle, 30050 Chagrin Boulevard, Pepper Pike, Ohio, 44124, on behalf of Uni-Marts, LLC, 447 East Beaver Avenue, State College, Pennsylvania, 16801, requests the rezoning of six (6) parcels of land having a combined total of 0.25 acres, from a Residence R-2 District and Business B-2 District to a Business B-2 District in its entirety. Said property, being further described as the southerly half of Lot no. 1853, Lot No. 1854, and the northerly rear portions of Lot Nos. 1823, 1824, 1825, and 1826, Wickliffe Commercial Subdivision, is located at the northeast corner of Lexington Place and Mahoning Avenue, has a combined frontage of 110 feet on Lexington Place, a mean depth of 140 feet; and is zoned as a Residence R-2 District and Business B-2 District.

MAHONING COUNTY PLANNING COMMISSION - Planning Commission recommended **APPROVAL** as per the agenda for Case Nos. 07-02-Z thru 07-11-Z.

AUSTINTOWN TOWNSHIP ZONING COMMISSION - Motion by Mr. Hendricks to **ACCEPT** the recommendation of the Planning Commission and recommend **APPROVAL** of rezoning to a **BUSINESS B-2 DISTRICT** in Case Nos. 07-02-Z thru 07-11-Z as presented. Seconded by Mr. Price. Roll call vote: Mr. Price – YES; Mr. Benyo – YES; Mrs. Sovik – YES; Mr. Hendricks – YES.

Furthermore, Zoning Inspector Kurilla explained the Zoning Commission adopted a motion by a 4-0 vote to make a non-binding recommendation to the Board of Trustees,
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to invoke their authority in the Ohio Revised Code to initiate hearings to rezone the parcels on the west side of Lexington Place from Residence R-2 to Business B-2.

Kurilla related that it was the sense and consensus of the Commission members that

rezoning the west side of Lexington Place would make the zoning pattern in the immediate area consistent and compatible, noting the unique situation of this secondary residential street surrounded by industrial and business zoning districts.

Chairman Pritchard, noting that there was no one in attendance in the hearing room other than the Applicant, called upon resident/witness testimony in opposition to these zone change requests. No one present in opposition.

Michael C. Lewis, Development Specialist, Visconsi Companies, Ltd., 360 Corporate Circle, 30050 Chagrin Boulevard, Pepper Pike, Ohio, 44124, introduced Shawn Jurish, P.E., of Visconsi Companies, who was also in attendance. Lewis testified that since the May 3 Zoning Commission public hearing, he has received permission to announce that the proposed retail user for the subject properties is Walgreen company, with this site selected for the development of a new Walgreens drug store. Lewis argued that the requested rezoning to a Business B-2 District is compatible with the zoning pattern in the immediate area, with the original R-2 classification for Lexington Place being an obsolete classification at this time. Lewis informed the Board that his company has been working for some time in coordinating the purchase of the residential properties on Lexington Place; and was of the opinion that this proposed new development will improve the appearance of this corner at the entrance of the Township, unifying the block in one redevelopment opportunity.

Chairman Pritchard asked if the BP service station will remain undisturbed if the rezoning is approved and the new Walgreens constructed. Lewis responded in the affirmative, noting that there will be interconnectivity between the Walgreens site and the BP property, with an access drive to Mahoning Avenue. Moreover, Lewis pointed out that this would hopefully be the first domino in future redevelopment ventures in this older developed part of the Township.

Trustee Ditzler commented that he believed this was the biggest zone change case which has come before him in thirteen years as a Township Trustee, with the hope that other property owners build upon this first step in improving and enhancing the appearance of this retail corridor.

Mr. Lewis informed the Board that this new drug store will be a typical Walgreens, with some 25 full time employees working at this store, and an anticipated annual retail sales activity of between \$800,000 - \$1,000,000.

Mrs. Oles commented that she was somewhat surprised that this site was selected so close to the recently opened Cornersburg site. Lewis responded that this location meets

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the targeted intersection criteria used by the company in selecting store sites, with there being typically at least a distance of separation of between 1 – 1 ½ miles between stores.

Discussion by Board members.

07-02-Z – VISCONSI COMPANIES, LTD (HERMAN)

Motion by Mr. Ditzler to **ACCEPT** the Township Zoning Commission recommendation and **APPROVE** the rezoning to a **BUSINESS B-2 DISTRICT**. Seconded by Mrs. Oles. Roll call vote: Mrs. Oles – YES; Mr. Ditzler – YES; Mr. Pritchard – YES.

07-03-Z - VISCONSI COMPANIES, LTD (PAVENTI)

Motion by Mr. Ditzler to **ACCEPT** the Township Zoning Commission recommendation and **APPROVE** the rezoning to a **BUSINESS B-2 DISTRICT**. Seconded by Mrs. Oles. Roll call vote: Mrs. Oles – YES; Mr. Ditzler – YES; Mr. Pritchard – YES.

07-04-Z - VISCONSI COMPANIES, LTD (LOVELAND)

Motion by Mr. Ditzler to **ACCEPT** the Township Zoning Commission recommendation and **APPROVE** the rezoning to a **BUSINESS B-2 DISTRICT**. Seconded by Mrs. Oles. Roll call vote: Mr. Oles – YES; Mr. Ditzler – YES; Mr. Pritchard – YES.

07-05-Z - VISCONSI COMPANIES, LTD (WILLIAMS)

Motion by Mr. Ditzler to **ACCEPT** the Township Zoning Commission recommendation and **APPROVE** the rezoning to a **BUSINESS B-2 DISTRICT**. Seconded by Mrs. Oles. Roll call vote: Mrs. Oles – YES; Mr. Ditzler – YES; Mr. Pritchard – YES.

07-06-Z - VISCONSI COMPANIES, LTD (HICKS)

Motion by Mr. Ditzler to **ACCEPT** the Township Zoning Commission recommendation and **APPROVE** the rezoning to a **BUSINESS B-2 DISTRICT**. Seconded by Mrs. Oles. Roll call vote: Mrs. Oles – YES; Mr. Ditzler – YES; Mr. Pritchard – YES.

07-07-Z - VISCONSI COMPANIES, LTD (PROTAIN)

Motion by Mr. Ditzler to **ACCEPT** the Township Zoning Commission recommendation and **APPROVE** the rezoning to a **BUSINESS B-2 DISTRICT**. Seconded by Mrs. Oles. Roll call vote: Mrs. Oles – YES; Mr. Ditzler – YES; Mr. Pritchard – YES.

07-08-Z - VISCONSI COMPANIES, LTD (DEAN)

Motion by Mr. Ditzler to **ACCEPT** the Township Zoning Commission recommendation and **APPROVE** the rezoning to a **BUSINESS B-2 DISTRICT**. Seconded by Mrs. Oles. Roll call vote: Mrs. Oles – YES; Mr. Ditzler – YES; Mr. Pritchard – YES.

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07-09-Z - VISCONSI COMPANIES, LTD (MILES)

Motion by Mr. Ditzler to **ACCEPT** the Township Zoning Commission recommendation and **APPROVE** the rezoning to a **BUSINESS B-2 DISTRICT**. Seconded by Mrs. Oles.

Roll call vote: Mrs. Oles – YES; Mr. Ditzler – YES; Mr. Pritchard – YES.

07-10-Z - VISCONSI COMPANIES, LTD (SIMPSON)

Motion by Mr. Ditzler to **ACCEPT** the Township Zoning Commission recommendation and **APPROVE** the rezoning to a **BUSINESS B-2 DISTRICT**. Seconded by Mrs. Oles. Roll call vote: Mrs. Oles – YES; Mr. Ditzler – YES; Mr. Pritchard – YES.

07-11-Z - VISCONSI COMPANIES, LTD (UNI-MARTS, OHIO, LLC)

Motion by Mr. Ditzler to **ACCEPT** the Township Zoning Commission recommendation and **APPROVE** the rezoning to a **BUSINESS B-2 DISTRICT**. Seconded by Mrs. Oles. Roll call vote: Mrs. Oles – YES; Mr. Ditzler – YES; Mr. Pritchard – YES.

There being nothing further to come before the Board of Trustees, the hearing was adjourned at 5:35 P.M.

_____ APPROVED
WARREN PRITCHARD, Chairman

_____ DATED _____ SIGNED
MICHAEL J. KURISH, Fiscal Officer

