

BOARD OF APPEALS PUBLIC HEARING – APRIL 26, 2018

PUBLIC HEARING
BOARD OF ZONING APPEALS
April 26, 2018

The Austintown Township Board of Appeals held a Public Hearing on Thursday, April 26, 2018, at the Township Building, 82 Ohltown Road, Austintown, Ohio, for consideration of the following case:

APPEAL CASE 2018-07-A-Hollywood Gaming Mahoning Valley Race Course.

The following Board members were in attendance:

Mr. Joe Koch - Chairman
Mr. Robert Satterlee - Vice-Chairman
Mr. Michael Beaudis
Mr. William Glaros
Mr. James Mahoney

Alternate:
Mr. Dale Basista

Chairman Koch opened the public hearing at 7:00 P.M. The following testimony was given under oath or affirmation. Court reporter in attendance, complete transcript taken of the hearing.

APPEAL CASE 2018-07-A

Hollywood Gaming Mahoning Valley Race Course, 655 North Canfield-Niles Road, Austintown, Ohio, 44515, appeals from the decision of the Austintown Township Zoning Inspector and request a Conditional Use from the terms Article I-Definitions: “Recreation Area and Uses” and Article XVI-Conditional Uses, Section 1600, Paragraph No. 2: “Recreational Areas”, as amended through November 25, 2014, to allow for the an outdoor concert area consisting of a 20’ x 16’ portable stage to be placed within the north end of the racing apron located between the east wall of the building and west of the racing track. Said property is further described as a 193.637 acre parcel of land located on the east side of the North Canfield-Niles Road, directly east of the Silica Road-North Canfield-Niles Road intersection; and is zoned as an Industrial I-1 District with the southerly 200 feet zoned as an Agricultural District in Austintown Township, Mahoning County, State of Ohio.

Zoning Inspector Crivelli read the applicant’s letter of request dated March 29, 2018 into the case record, referenced three GIS map site plans of the property, the case mailing list prepared by the zoning office, and four plat maps of the property.

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Mr. Koch stated the mailing list for case 2018-07-A will be incorporated into the case record.

Mr. Koch inquired about the previous approval. Zoning Inspector Crivelli advised a larger venue was approved as a conditional use in 2014 but was never established and the conditional use expired without being implemented.

Kathy Lenhardt, Compliance and Road Manager, Hollywood Gaming Mahoning Valley Race Course, submitted a letter of permission from Anthony Fabiola, Vice-President and General Manger of Hollywood Gaming giving Ms. Lenhardt permission to represent him. The letter was read into the record by Zoning Inspector Crivelli and marked as Exhibit “A”.

Ms. Lenhardt stated they are looking to hold free events and expecting 300 to 500 people to come into the area for retail and restaurants and to add another entertainment amenity for their patrons. A 20’ x 16’ portable stage will be placed at the north end of the racing apron facing south. They do not anticipate this being a nuisance to the community in terms of noise. A new addition to begin in June will also block noise. The event will be geared to patrons 21 and over and be contained inside the fenced racing area. The concerts will begin at 7:00 P.M. and last for 90 minutes with things being rapped up at dusk. They have adequate parking and full utilities.

Mr. Koch asked how high the stage would be. Ms. Lenhardt advised it would be three feet of the ground. It is housed on a trailer. The stage comes equipped with sound and lighting. The speakers are located on the stage.

Mr. Satterlee inquired as to the attendance number of 300 to 500 and had concerns abot larger crowds attending. Ms. Lenhardt stated they are not equipped to handle a large crowd. They are equipped to service the 300 to 500 range and their advertising will be geared to generating that many patrons. Mr. Satterlee asked if she was familiar with Sunrise Productions in Warren and how they operate. Ms. Lenhardt answered in the negative.

Mr. Koch asked if there would be additional seating. Ms. Lenhardt stated it was standing only with access into the racino. Alcohol will be served on the apron as permitted by the liquor license.

Mr. Beaudis inquired about future year’s operations if this is approved. Ms. Lenhardt stated this is the first year and they hope it works and success or failure will determine at the future.

Mr. Satterlee observed they are asking approval for five concerts and what if they want to have more concerts next year. Zoning Inspector Crivelli advised if approved he will mainly monitor hours of operations. He suggested the parking is adequate and as part of the exhibit they will offer those specific concerts for this year, however, the conditional use will allow them to operate a concert venue as described. If there are problems now or

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in future years he will address it in writing to the applicant or require the applicant to re-appear before the Board to resolve problems.

Mr. Koch asked if patrons can bring their own chairs or coolers. Ms. Lenhardt stated they would not be opposed to chairs. Patrons have to enter through a security area to get into the venue. They will not allow coolers. No one under 21 is allowed and security personal are posted at all entrances. They are not planning tents other than and 8' x10' for shade for the outdoor bar or a VIP area to the side.

Mr. Glaros asked about the first hearing and why the venue was not established after being approved. Zoning Inspector Crivelli stated the previous general manger advised they didn't have enough slot machines for a crowd of 1,500 so they decided not to make the investment.

There was discussion of underage customers and how the facility manages them and their future expansion plans.

Tom Payne, 5310 West Viola Drive, stated he met with Kathy and reviewed the plans and has no problems with it and thinks it is a good idea. He suggested they not do it on weekday nights as he works and goes to bed early. He expressed concerns about future years and this growing and they bring in Elton John or Eddie Money. He doesn't want speakers pointed at his house and his only concern is how it will operate in the future. Zoning Inspector Crivelli advised of the criteria for conditional uses as related to concert venues and referenced problems at a business across the street with a concert that was oversold as an example of how the enforce process works. Mr. Koch emphasized that they can be brought back to appear before the Board for future review. Mr. Payne stated he was satisfied

No one else in attendance to speak for the request.

No one else in attendance to speak against the request.

2018-08-A-Hollywood Gaming Mahoning Valley Race Course: Motion by Mr. Satterlee to approve the conditional use request with all testimony given before the Board.

Seconded by Mr. Glaros.

Roll call vote: Mr. Glaros - Yes; Mr. Beaudis – Yes; Mr. Mahoney – Yes; Mr. Satterlee – Yes; and Mr. Koch – Yes.

There being nothing further to come before the Board, the hearing was adjourned at 8:40 P.M.

AUSTINTOWN BOARD OF ZONING APPEALS

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Darren L. Crivelli, Zoning Inspector, Austintown Township

APPROVED: _____
Joe Koch – Chairman

DATE: _____