

BRIMFIELD TOWNSHIP BOARD OF ZONING APPEALS

MEETING MINUTES of November 18, 2020

Virtual Meeting via Zoom due to COVID-19 Guidelines – 7:00 pm

Present: Chairman Bruce Knippenberg, Scot Etling, Vince Murdocco, Sean Phillips, Ed Shutty,

Alternates: William Kremer, Clayton Popik

Absent:

Staff: Michael Hlad, Economic Development Director and Zoning Inspector, Kayla Nealon, Zoning Secretary, and Brian Gardner, IT Director

CALL TO ORDER:

The Brimfield Township Board of Zoning Appeals meeting was called to order at 7:00 PM on Wednesday, November 18, 2020.

Roll Call:

Etling = Here

Knippenberg = Here

Murdocco = Here

Phillips = Here

Shutty = Here

Kremer = Here

Popik = Here

MOTION#2020-64

Vince Murdocco made a motion to approve minutes from September and October meeting. **Sean Phillips** seconded his motion. All members were in favor.

MOTION#2020-65

Ed Shutty made a motion to accept amended agenda. **Scott Etling** seconded the motion. All members were in favor.

MOTION#2020-66

Vincent Murdocco made a motion to reverse order of the agenda. **Clayton Popik** seconded the motion. All members were in favor.

APPLICATIONS:

ZONING CONDITIONAL USE APPLICATION:

Applicant: Brad Maurer

Owner: Cole Moye

Address: 114 Trellingwood Drive, Morrisville, North Carolina 27560

Parcel: 04-036-00-00-017-015 **Zoned:** G-C

Conditional Use Request: Applicant is requesting a Conditional Use Permit to operate a car wash within the G-C district. **Zoning Resolution Section 309.02 B 3. G-C Zoning District,**

Car washes are a conditionally permitted use subject to the provisions of Chapter 4 and Section 400.10B subsections 7,39.

Mr. Brad Maurer was present to speak regarding Kings Carwash to discuss his case. The proposed space is roughly a 4200 Sq. Ft, automatic, single tunnel car wash. The plans are within side and front yard setback requirements and show 26 staged vehicle spaces before entering car wash. There are 25 vacuum spaces, free vacuum services and the company is very community oriented. When going through the tunnel it will take approximately 2 minutes per car. The builders are proposing rear driveway access to connect with the future parcel to be built next door. The Developer completed a lot split to be within a buildable acreage. The site will average between 3-5 employees at one time. They are unsure of the proposed name at this time – but it could be either a Camel Car Wash or Kings Car Wash. They are not looking for any variances, just a Conditional Use Permit. They are trying to alter the height of their tower to meet zoning regulations. The purpose of the tower is advertisement, visibility, and it will serve as a non-functional unit. The tower can also be used as storage.

Mr. Hlad stated that the G-C district carwash meets the zoning unit requirements. Also, that the architectural features being proposed look positive, although the tower and sign have not been formally submitted.

Mr. Maurer stated they have been studying properties and the zoning resolution, and will submit secondary plans for signage.

MOTION#2020-67

Vincent Murdocco made a motion to approve the Conditional Use Permit subject to the applicant's submittal of elevation and additional drawings for further review by the Zoning Department. **Scot Etling** seconded his motion. All members were in favor.

ZONING CONDITIONAL USE APPLICATION:

Applicant: Sheetz, Inc.

Owner: Brimfield Crossings, Ltd.

Address: 195 S. Main Street, Suite 200 Akron, Ohio 44308

Parcel: 04-032-00-00-052-000 Zoned: T-C

Conditional Use Request: Applicant is requesting a Conditional Use Permit to operate a gasoline service station within the T-C district. Zoning Resolution Section 308.02 3. T-C Zoning District, Uses not covered come before the BZA for ruling.

Mr. Hlad explained the use is not covered in this district (start of the town center). The existing gas station in the area was grandfathered in.

Bruce Rinker – Mansour Gavin LPA
Roger Grimm – Hammontree Engineering
Ryan Balko – Engineering and project manager

Tom Weise – Skipper Group
HC Fownes – Real estate and site selector
Kathy Potter – Sheetz security – NOT SWORN IN
Jamie Ashurst – Sheetz
Eric Smith – Traffic Engineer

Bruce Rinker stated that the proposed site is over 3.5 acres. While they understand the proposed site is in the Town Center District, they are asking the Board of Zoning Appeals to consider how the proposal fits in as a transitional use at this site. Falcon drive is the dividing line between uses. Sheetz met with the Board of Education earlier this year and showed them renderings of all drawings, and believe the board saw that at an aesthetic standpoint, they are architecturally pleasing. The drive through would be on the south side of the building and pickup at the rear of the building. The store is situated to meet the code in order to minimize the number of variances requested, but in doing so they have been conscious of putting the intensive uses on State Route 43. Mr. Rinker stated that they believe they have a hybrid where Sheetz has meet both highway and T-C districts. Sheetz is assuming that ODOT will agree that a light should go in on Falcon Dr. and improve traffic in the area. The curb cut is as far from the intersection as possible. Parking will be along the building, the dumpster in the back and is masonry, and the gates to access the dumpster are metallic with a bronze finish. Mr. Rinker stated that they are trying to be compatible with the district and to be aesthetically pleasing. This will not be a service station, it will be purely fuel services and not designed for heavy trucks. Parking will be in close proximity to the perimeter of the building. There are 12 spaces adjacent to falcon drive and they will be secondary parking and employee parking. Overall, it is about a 5-million-dollar investment. Lots of cameras will be present on site for security and monitored 24/7. Lighting is designed to stay on the site but it is also safe and functional. We understand people's concerns but in terms of traffic movement and traffic safety, Sheetz works hard to serve customers well and provide a safe facility. Food services are made to order and a grab and go style. Seating is located inside and outside of the building. The sign package is minimalistic. The landscaping serves to screen against adjacent properties that would want screened. Sheetz believes that this is a hybrid transitional use.

MOTION#2020-68

Scot Etling made a motion to enter letters from residents into the minutes. **Ed Shutt** seconded his motion. All members were in favor.

Mr. Knippenberg noted that the negative feedback from residents seems to be safety

Mr. Etling stated that even the positive letters are concerned about traffic and safety if they support the project

Mr. Knippenberg stated that the citizens are concerned with pedestrian traffic on Falcon Dr., near the elementary school.

Mr. Rinker noted that when they spoke with the Board of Education concerns came up and they provided them with information of stations that are near schools. Mr. Rinker noted that there has never been a problem and this use demonstrates that those fears are unfounded.

Mr. Etling noted that the road at McDonald's is not to be used as a parking lot but trucks park there anyway. He stated that he can see a traffic light creating a bottle neck and it may stop that traffic but create a backup elsewhere.

Eric Smith – 540 White Pond Drive in Akron – Mr. Smith prepared a traffic study for ODOT's concerns but had not received comments back from them. The study showed the traffic signal was warranted to turn on colors and took into account the traffic from McDonald's and Circle K. Mr. Smith noted the problem right now is making left turns from side streets. The traffic studies show that there will be an excess capacity at that intersection to handle traffic there now.

Mr. Knippenberg noted Speedway had performed a similar study where ODOT denied them a traffic light and he questioned what made the study done by Sheetz different

Mr. Smith continued that one difference is that time has gone by since ODOT's study, but even with COVID, the traffic counts that were performed about a month ago showed that traffic right now is sufficiently high enough that ODOT could turn the signal on. Traffic in the area has increased since Circle K came in but just because a signal meets a warrant, does not mean ODOT will install or put on colors. However, in prior meetings there was a lot of interest in turning that light on colors. Mr. Smith noted a lot of cars turn onto Kelso but those on falcon drive turn mostly left. More people may utilize the light at Falcon Dr. if it is there.

Mr. Balko – Sheetz, 361 Edmore Road Fairlawn 44333 – stated that the drive is a right turn in, left lane turn in, and restricted right out only onto St. Rt. 43. The site would be full access off of Falcon Dr. The entire site has oversized drive aisles that are 35 feet wide. The parking spaces are also oversized at 10x20. A majority of the parking is along the building and the sidewalk is flush with the pavement. Bronze bollards are present at every parking stall. There are to be approximately 20 spaces along north and west side of the store. There are 6 fueling islands out front facing 43. Sheetz is looking for approximately 25 spaces around the store, ending up with 45 total parking spaces. The site is also equipped with two free air machines. The trash enclosure is located at the south east area of the site. There will be a sidewalk and two bicycle racks on north side of the site. Sheetz will offer ice and propane offerings on side of building. The 'made to order' and '24/7 drive through' signs were eliminated to comply with T-C standards.

Mr. Ashurst noted that every store is monitored by 24/7 security operation center and can dispatch police, fire, or ems immediately. Each site has 2-way audio and video, that is used to check in with stores approximately 3-4 times a day. Inside the site can average anywhere from 15-20 cameras. Each site averages about 16-25 cameras outside. The cameras cover the drive through, seating, parking, interior, all exits, sidewalks and the dumpster area and Sheetz provides footage to police departments regularly.

Mr. Knippenberg asked if this same presentation was given to the school board.

Mr. Balko responded that yes, this project did have several restrictions, but they were met and shown to the school board. They provided a list of multiple schools that were near Sheetz locations.

Mr. Fownes noted that 11 of out 611 were in close proximity to elementary school locations.

Mr. Knippenberg inquired if there was any input from the police and fire departments.

Mr. Hlad stated that both the police department and fire department were concerned about safety and traffic.

Mr. Knippenberg noted that he would like to hear from the school board, police and fire department if there's valid concern for this issue.

Mr. Etling noted that traffic is a major issue.

Mr. Fownes stated that if the signal is not activated, it is very unlikely that Sheetz would continue to locate at this site.

Mr. Knippenberg questioned with Sheetz being in such close proximity to elementary school, was the company planning on selling tobacco and alcohol out of the convenient store.

Mr. Fownes responded Yes. That is standard but Sheetz is a responsible operator and fully cards its patrons.

Mrs. Potter noted that Sheetz can institute additional policies and procedures pertaining to young children in the store. Mrs. Potter has been with the company for 27 years and cannot recall an issue with unattended children in a store ever. The employees observe the store and can call the operation center at all times. Sheetz works closely with local law enforcement and can provide audio and video when requested.

Mr. Shuttly questioned what the average expectation of cars per day would be. Mr. Shuttly stated that behind the elementary school there are 4 softball/baseball fields that are used in the spring, summer and fall regularly. Mr. Shuttly questioned what the back corner of the plan would look like in regard to potential of people walking back and forth and asked would there be a pathway that leads to Falcon Dr

Mr. Fownes stated that it was their understanding that there would be a delineation to persuade people from doing that. They did not intend to make the pathways interconnect but if the school wanted that to happen, Sheetz could accommodate that.

Mr. Balko noted that Sheetz is proposing a sidewalk connection on Falcon Dr. to bring pedestrians to the narrowest point crossing the drive aisle to bring you to the store.

Mr. Etling stated that they really did not want to underestimate how much everyone is concerned with traffic in that area. Mr. Etling noted that people walk from the baseball fields to McDonalds frequently, it does happen. Ultimately, they do not want to underestimate the concerns about the traffic there.

Mr. Smith noted that the number of cars generated by Sheetz is going to be a couple thousand but half of the cars are already on the road. The peak hour of the gas station is about 150 trips. For example, people going in and out of the station is 2 trips, 1 car going in is 1 trip. Mr. Smith stated that Sheetz is not as big of a generator; but you will get some people who specifically go to Sheetz for products. The traffic report is public and available while ODOT reviews it. Outside of the ballfield people, the school pickup and drop off is handled fanatically. If kids were walking, they walk along the fields in the back and the students are either bussed in or students are being dropped off.

Mr. Shuttly questioned the peak hours of the gas station.

Mr. Smith noted that typical peak hour of Sheetz is 7:30-8:30 a.m. The peak of the Route 43 intersection is closer to 7:30 – 8:30 because people are going to work. The peak hours are very close. In the afternoon, the school lets out at 3:30.

Mr. Shuttly re-stated the question was how many cars a day are going to be coming in and out of the gas station. Also when peak hours were mentioned, what are Sheetz peak hours of the gas station, not the peak hours of the traffic.

Mr. Smith stated that the peak hours of the gas station are typically peak hours of the road because they take so much traffic off the road. Morning peak hours are 7:30-8:30 and evening peak hours are 4:45-5:45 pm. During peak hours Sheetz will experience around 150+ trips. A couple thousand cars total will be on the interchange for the day and at Sheetz.

Mr. Knippenberg questioned aside from peak hours, the facility does operate 24/7, in the middle of the night how many employees are on site.

Mr. Fownes noted that company would have a minimum of 3 employees at the store at all times, and 6-8 employees during peak hours.

Mr. Knippenberg noted that the board would like reports from police and fire as well as hearing from the school board and any concerns they may have.

Mr. Weise noted that the property was purchased 13 years ago, in 2007, and was done so at the request of the school. The township had the first chance with the property, and they decided to pass. The current road system was designed by the school. Dick Messner approved of the plan, and the land was donated to the school. The site is too big to accommodate a single user but too small for a strip mall. The traffic concerns are shared by all parties involved. The school has always had a desire to have the light at the intersection signalized. They do believe Sheetz will be a great fit for the site. Sheetz has the size and means to utilize the entire property and are willing to do that with one curb cut on 43 and one cut on Falcon Dr. The same concerns will be relevant for anyone developing the property.

Mr. Etling stated that he would also like to see the report from ODOT.

Mr. Knippenberg noted that he would also like a request sent to the police department, fire department and the school board to either send a representative or provide a statement in writing for the record.

MOTION#2020-69

Scot Etling made a motion to continue the case until the December meeting. The board invites comments or attendance from Fire and Police Departments, ODOT, and the Board of Education. **Vince Murdocco** seconded his motion. All members were in favor.

Set December meeting – December 16th.

MOTION#2020-70

Scot Etling made a motion to adjourn which was seconded by **Clayton Popik**. All members were in favor.

Chairman Bruce Knippenberg

Vince Murdocco

Scot Etling

Sean Phillips

William Kremer

Ed Shetty

