

Minutes of the Zoning Board of Appeals Meeting of October 18, 2012 - 7:00 P.M.

MEMBERS PRESENT:           Regis Barrett, Chairman  
                                  Jeanne Hartman  
                                  Earl Bloam  
                                  Wally Parker  
                                  Dean Bredenbeck

ABSENT:

ALSO PRESENT:             Barbara Stanton, Secretary  
                                  Tom Ockington, Building Commissioner

Chairman Barrett – I would like to call the Zoning Board of Appeals meeting to order. Roll call was taken and the following members were present, Regis Barrett, Jeanne Hartman, Earl Bloam, Wally Parker, Dean Bredenbeck.

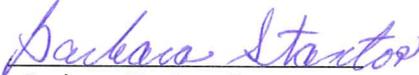
A motion was made by Jeanne Hartman, second by Wally Parker to approve the minutes from September 20, 2012.  
**Vote Resulted: Yes – Regis Barrett, Jeanne Hartman, Earl Bloam, Wally Parker, Dean Bredenbeck.**

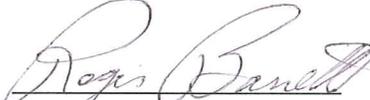
Chairman Barrett: **Item #1** – A request from Bruce G. Rinker on behalf of Sheetz, Inc. for a thirteen foot driveway width variance, and a two foot canopy height variance to construct a new Sheetz Fuel Station/Convenience Store at 10315 Cascade Crossing, P.P. 433-10-008. Tony Coyne was present representing Bruce Rinker. Mr. Coyne: We are here for two very small variances. One is the canopy and the other is the driveway width at the entrance to the new business. We would like to present the site plan. The canopy variance has to do with the grade change. The curb cut variance is about 13 feet and it is located in the single street section. It was wider to accommodate the necessity for large trucks to enter the site about six times a week and it is really a safety issue more than anything else. The signalization which this board required for that location has been approved by Public Safety. Mr. Coyne presented documents to the board. The curb cuts match up with across the street. Mr. David Mastrostefano, Sheetz in house engineer/manage consultants for Sheetz projects: The signal information was presented tonight because it is an integral part of the entrance curb cut. Two variances are being requested. There was discussion regarding the placement of the width variance which will allow larger vehicles to enter and exit the facility. Typically our Sheetz stores try to direct our tractor trailer trucks that bring product to the store as well as other vendors to try to enter and exit at a main entrance and a signalized entrance for safety purposes. Along with the general public that will be utilizing this entrance/exit. It is typical for us to have entrances 40 to 45 feet wide to allow those vehicles at a signalized section to enter into the facility as well as exit. Relative to separation of travel lanes we can do it by a couple different ways and in combination of a couple different ways. We could stripe out something in the middle; like an island; we could put a rumble stripe; we could stripe at the radius itself where you stripe a normal width entrance and you stripe out the remainder which is for larger vehicles. Those are the type of details that would be worked out with staff and these are the various ways we can delineate in and out. It's all encompassing relative to using the signal to bring the traffic in and out. The canopy variance is required due to the purpose of draining, sloping and grading of the land. There was discussion regarding the sloping of the land. Dean Bredenbeck: Would a north bound tanker be able to enter from the curb lane only? Mr. Mastrostefano: We control the deliveries; so if no one is at the entrance than he can take up that entrance and enter. The travel route to this site has not been defined as of yet. The deliveries are Sheetz owned companies and have a tremendous safety record. We typically have deliveries on non rush hour times. Chairman Barrett: With the proposed width of the apron, a trailer that they will be using; they have sliding axels and if they slide the axels forward would stabilize the trailer. There should be no problem making a delivery into the apron. They would be able to enter from the curb lane. Thomas Murphy: I have some observations and questions to the panel about the widening of the driveway and the signalization. Chairman Barrett: The signalization is not going to be discussed at this meeting. Mr. Murphy: I have some questions and observations to the panel about the widening of the driveway. I went to the Department of Transportation; there will be no change of signalization at route 480 without their approval according to our ordinance 1993-02. There will be no signalization. I did go to Aldi and Sam's. In their report it stated that the light wasn't needed in the location. Aldi's and Sam's were taken back by this. The widening of the driveway may help north bound but if you are going to approve something like that and it doesn't work what do you say. My bad. Chairman Barrett: If what doesn't work? Mr.

Murphy: That driveway doesn't work in its present size. What do you say; my bad or the signalization isn't allowed; what do you do. Planning Commission tabled it, I'm asking that you table it and I am requesting prior approval by ODOT of the review and traffic impact study. That is required by ordinance. It is required. I am also requesting something from Sheetz that they did due diligence. Electrical sub stations are on Tiedeman Road behind the Sheetz gas station. We have high power electricity and an accelerant. Have you looked into this? I called First Energy and they were to get back to me by end of business day and they did not get back to me. I am asking for a delay. I went up there and the turning lane into that driveway is 60 feet; three car lengths if they are bumper to bumper turning left into there. If you go anymore than that you are impeding the left turn lane into Key Corp. and restaurants. Is that ok? Did we get the ok from all of those people? If I lived on Tiedeman Road I would be crazy about this. The people on Tiedeman Road might as well live in Russia. You think this is going to improve the property value on Tiedeman Road at the 480 ramp. Tiedeman Road is a parking lot now. Chairman Barrett: What type of evidence can you give us? Mr. Murphy: What evidence can you give me that it doesn't? We need a traffic study by ODOT and it is required by ordinance 1993-02. It is required. If all the requirements are met, let's go forward. I don't have any hard feeling about Sheetz; I just don't think it was done properly. Earl Bloam: The traffic study was performed by a professional engineer's office. Do you think ODOT would do another survey? Mr. Murphy: Yes, if we send them the information and request them to do it they will do it. What happens if the changing of the lights get worse? Chairman Barrett: Are you talking about the light at 480 because I do not recall the study that they indicted was to change the light at 480. Mr. Murphy: You are talking about signalization changes and timing. Chairman Barrett: With the one at Cascade Crossing and down at Aldi's were the lights that were in the survey. There was no indication of changing the 480 lights. Those were set up years ago because of the back up on the 480 ramp. There was discussion regarding the new proposed left hand turning lane. Katie Gallagher: I think what Tom is trying to say is that this part of the city letter that was presented to you, states re timing of the traffic lights south of the construction site south of Brookpark Road at their expense. So I think if the agreement is part of this light, then he is trying to say ODOT requires. Chairman Barrett: The lights at 480 are the ones that ODOT controls. Katie Gallagher: I think he said all traffic lights need to be approved by ODOT; the lights at 480 and 480. Tom Coyne: The traffic study that was presented and the traffic signalization are to improve traffic flow for the corridor. That was the objective of the engineers. That is an engineering firm that has done work with ODOT and well regarded. ODOT would not do a traffic study unless they saw a revise of any kind or safety issue that would interfere with the state routes. I would be certain that ODOT would endorse the traffic study that was performed. Mr. Murphy: He does represent Sheetz, but the City should demand a traffic study. Chairman Barrett: The reports were presented to the City Engineer. Mr. Murphy: I spoke to Doug Courtney about that and he said that with the caveat the lights were timed correctly. Chairman Barrett: The study was centered at Cascade Crossing to Brookpark. There was no discussion about changing the timing of the light on 480 simply because that constitutes state highway and that would need to be done by ODOT. That was not part of the conversation and was never mentioned. The lights mentioned are under the City of Brooklyn's control. Mr. Murphy: I am asking for another report. We should be looking into this. I spoke to some people on Tiedeman Road and they would like to be represented. If we can't table this until we get these issued resolved. Chairman Barrett: What would you like tabled? Mr. Murphy: All of it. Chairman Barrett: The light is not part of the agenda tonight at this meeting. Any discussion about the light does not exist at this meeting. Mr. Murphy: That is tabled. Chairman Barrett: This meeting is regarding the variance on the apron and height of the canopy. Mr. Murphy: I will have a Safety and Environmental Committee meeting and we will seek legal counsel of what we need to do. I invite Sheetz to be there also; I don't want to get it wrong. I'm concerned about the people of Brooklyn; I'm concerned about the parking lot on Tiedeman Road; I'm concerned about the residents of the City. Wally Parker: How much of a traffic impact do you think Sheetz is going to have, it's not like an office building that will be having 100 people exiting at the same time; they are going to be feeding off of traffic that is going by. Mr. Murphy: I'm not sure if they would increase it, but anytime you get into a left hand turn situation, that I was referring to; the high speed lane is going to back up. Earl Bloam: I'm not sure what a canopy height and driveway width variance has to do with what you are discussing. Chairman Barrett: There shouldn't be any discussion regarding the traffic lights. We are here to deal with what is on the agenda. Mr. Murphy: I am asking you to table it. A motion was made by Jeanne Hartman, second by Earl Bloam to approve a request from Bruce G. Rinker on Behalf of Sheetz, Inc. for a thirteen foot driveway width variance, and a two foot canopy height variance to construct a new Sheetz Fuel Station/Convenience Store at 10315 Cascade Crossing. **Vote Resulted: Yes - Regis Barrett, Jeanne Hartman, Earl Bloam, Wally Parker, Dean Bredenbeck:** I disagree with the existence of Sheetz, but if it will be constructed and the variances are reasonable I will vote yes.

Chairman Barrett: **Item #2** – A request from John Green to install a six foot board on board solid fence, including integral light poles; to be located at 10218 Biddulph Road. P. P. # 432-12-003. Commissioner Ockington: There was a permit issued for a fence. Mr. Green is requesting a solid fence. Mr. Green: I spoke to my neighbor and he has no problem with the type of fence. I would like to install light posts. My children play volley ball and sled ride in the winter down the hill. Chairman Barrett: All the lights shine in your yard? Mr. Green: Yes, the lights will be on when the children want to sled ride and play volley ball. Earl Bloam: As long as there is no objection from the neighbors. Commissioner Ockington: I spoke to Mr. Green's neighbor and he was in agreement with the solid fence. A motion was made by Earl Bloam, second by Wally Parker to approved the request from John Green to install a six foot board on board solid fence, including integral light poles; to be located at 10218 Biddulph Road. **Vote Resulted: Yes – Regis Barrett, Jeanne Hartman, Earl Bloam, Wally Parker, Dean Bredenbeck.**

A motion was made by Wally Parker, second by Regis Barrett adjourn the meeting. **Vote Resulted: Yes - Regis Barrett, Jeanne Hartman, Earl Bloam, Wally Parker, Dean Bredenbeck.**

  
Barbara Stanton, Secretary

  
Regis Barrett, Chairman