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RUSSELL TOWNSHIP
BOARD OF ZONING APPEALS
CONDITIONAL USE #515 (CONTINUED)
VARIANCE REQUEST #516 (CONTINUED)
DECEMBER 3, 2018
- - -

BE IT REMEMBERED, that upon the hearing of the above-entitled matter, held at 14890 Chillicothe Road, Novelty, Ohio, before the Russell Township Board of Zoning Appeals, and commencing on Monday, the 3rd day of December, 2018, commencing at 7:01 p.m., at which time the following proceedings were had.

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APPEARANCES:

Steve Gokorsch, Chair
Sarah Moore, Co-Chair
William Downing, Member
Dushan Bouchek, Member
Nick Grassi, Member
Shane Wrench, Zoning Inspector
Jennifer Dorka, Secretary

1 MR. GOKORSCH:Welcome everyone.
2 Tonight's a pretty busy night here. So I want to
3 start with a couple of things.
4 Well, we're first going to do roll call.
5 I want to make sure everybody understands.
6 Everybody who wants to speak will get the
7 opportunity to speak. We will stay here all night
8 if we have to. Anybody that has comments and
9 anybody that has input, please understand we will
10 make sure you're listened to.

11 Okay. All right. Roll call, please.

12 **MS. DORKA:** Mr. Gokorsch?

13 **MR. GOKORSCH:** Here.

14 **MS. DORKA:** Ms. Moore?

15 **MS. MOORE:** Here.

16 **MS. DORKA:** Mr. Boucek?

17 **MR. BOUCHEK:** Here.

18 **MS. DORKA:** Mr. Downing?

19 **MR. DOWNING:** Here.

20 **MS. DORKA:** Mr. Grassi?

21 **MR. GRASSI:** Here.

22 **MR. GOKORSCH:**The announcements this
23 week?

24 **MR. WRENCH:** It was advertised in the
25 "Chagrin Valley Times."

1 **MR. GOKORSCH:** Okay. It was advertised
2 in "Chagrin Valley Times" per requirements.

3 I'd also like to talk about the process and
4 procedure here. Anybody that wants to speak
5 tonight, I'm going to be swearing you in in group,
6 and then before you speak, I want to make sure you
7 verify that you have been sworn in, all right, just
8 in case somebody sneaks in late.

9 When you do speak, I'd like you to give
10 your name and address to our court reporter here so
11 that she can get it in the record properly. Just
12 think of this as a court of law because it kind of
13 really is.

14 Anyone who wants to speak tonight please
15 raise your hand.

16 (Thereupon, the audience members were
17 sworn in.)

18 **MR. GOKORSCH:** Okay. Thank you.

19 Procedurally this continuation, what we're
20 going to do is we're going to let the appellant here
21 provide updated information.

22 And I want to make sure you understand,
23 sir, that there were some questions on some of the
24 exhibits on dates and timing of the exhibits. Okay.
25 So we're going to make sure we go through each of

1 the exhibits.

2 What we've done is actually set up a
3 display here, and Shane can walk through those for
4 you so that everybody can see what we've already
5 seen, right, as you walk through. Does that make
6 sense?

7 **MR. KING:** Yes. Yes, I understand.

8 **MR. GOKORSCH:** Can we have a motion
9 here?

10 **MS. MOORE:** I make a motion we open
11 the hearing.

12 **MR. GRASSI:** I second.

13 **MR. GOKORSCH:** All in favor?

14 (Thereupon, the Board members answered in
15 the affirmative.)

16 **MR. KING:** Thank you.

17 Once again, my name is David King. I'm an
18 attorney. I represent the Applicant, Circle K.

19 Preliminary matter, in addition to what
20 Mr. Chairman indicated, is that just for your own
21 information, the transcript of the previous hearing,
22 pages 83 and 84, there are references to testimony
23 from Mr. Paulitsch, which should actually be
24 Mr. Wellert.

25 If I may, it is our intent to withdraw

1 Exhibits 2 through 7 presented at the previous
2 hearing and we will pick up at number 9, which you
3 have on the board.

4 But if you don't mind, I'd like to actually
5 kind of start out of order with Mr. Frazer, the fire
6 chief. He indicated he would like to scoot out of
7 here if possible, so I'd like to accommodate him.

8 In terms of Exhibits 9 through 14,
9 Mr. Wellert will be the one most suited to address
10 those. And I was going to, after Chief Frazer, go
11 with Mr. Cox, our hydrogeologist, here tonight to
12 supplement last hearing's testimony from Mr. Hunter.
13 Is that okay?

14 **MR. GOKORSCH:** Sounds like a good plan.

15 **MR. KING:** Okay. Chief?

16 **MR. GOKORSCH:** You want to identify
17 yourself, Chief?

18 **MR. FRAZER:** John Frazer, fire chief
19 Russell Township.

20 I prepared a letter. Shane Wrench, the
21 zoning inspector, asked me to provide information
22 relative to the ZBA and this process for the Circle
23 K. I'll just read the letter, and then if you have
24 any questions, I can clarify the questions. Is that
25 acceptable?

1 **MR. GOKORSCH:**Have you been sworn in?

2 **CHIEF FRAZER:**Yes.

3 Inspector Wrench, I'm writing you in regard
4 to your request to provide input at the ZBA meeting
5 of December 3, 2018, regarding the Circle K
6 application for zoning variances for a new store and
7 a public self-serve fuel depot.

8 The fire department calculates the needed
9 fire flow, the amount of water necessary to
10 extinguish a fire, for an individual building based
11 on that building's area, construction, occupancy and
12 exposure. One of the factors in this formula, the
13 exposure factor, is a factor that the fire
14 department can control, through the communities
15 zoning, and that directly affects the public safety
16 of the community, namely the spread of fire between
17 occupancies. Simply stated, the closer a building
18 is to an adjacent building or structure, the greater
19 the exposure factor, and, therefore, greater risk of
20 catching an adjacent structure on fire.

21 Russell Township's Public Fire Protection
22 Classification, through the Insurance Service
23 Organization, ISO, specifically rates structures and
24 their exposure factor for insurance companies to
25 determine premium rates for homeowners and

1 commercial insurance on property from the peril of
2 fire. A table developed by ISO determines exposure
3 factors of structures and the needed fire flow to
4 extinguish a fire in that structure as included
5 in this letter.

6 I previously examined a Circle K site plan
7 dated June 12, 2018, and I determined that the ISO
8 exposure required fire flow for that proposed
9 structure was 750 gallons per minute. This flow was
10 based upon the side yard distance of approximately
11 55 feet to the closest structure and was within the
12 fire mitigation capability of Russell Fire
13 Department and its automatic aid responses.

14 A new Circle K plan was submitted on August
15 27, 2018, where I was able to determine that the ISO
16 fire exposure and required fire flow for the
17 proposed occupancy was 500 gallons per minute. This
18 flow is based upon the side yard distance of
19 approximately 140 feet to the closest structure and
20 is within the fire mitigation capability of the
21 Russell Fire Department and auto aid responses. The
22 difference now is that the current plan dated August
23 27, 2018, has a reduced fire exposure risk to and
24 from the current adjacent structures.

25 So in conclusion the latest site plan dated

1 8/27/2018 for the placement of a new store for
2 Circle K reduces both the building's exposure risk
3 and water flow requirements for the Russell Fire
4 Department.

5 The fuel depot installation, continued use
6 and maintenance is guided and permitted annually by
7 the Ohio Fire Marshal Office under the Bureau of
8 Underground Storage Tank Regulations or commonly
9 called BUSTR. So we don't need to permit
10 that ourselves, that's handled by a state agency and
11 it's permitted annually.

12 Any questions?

13 **MR. GOKORSCH:** Yeah, I do. Relative to
14 the inspection --

15 **THE NOTARY:** I'm sorry. Louder,
16 please.

17 **MR. GOKORSCH:** I'm sorry. Relative to
18 the inspection of those tanks, is that a state
19 responsibility, too?

20 **CHIEF FRAZER:** Continued use or --

21 **MR. GOKORSCH:** Continual basis.

22 **CHIEF FRAZER:** Yeah. Actually they
23 handle it from the installation process, which
24 becomes the installation permit, through the use and
25 continued maintenance of those tanks. So, yes,

1 that's guided by the state.

2 **MR. GOKORSCH:** Thank you.

3 **MR. DOWNING:** John, on the site plan,
4 the storage tanks are actually located close to the
5 south line -- no, east line on the property. Are
6 you aware of that?

7 **CHIEF FRAZER:** Yes.

8 **MR. DOWNING:** And it requires
9 significant drainage. Is that any risk in this day
10 and age?

11 **CHIEF FRAZER:** Not the tanks themselves.
12 Again, modern technology can cover both the -- any
13 (inaudible) that has the potential to occur in a
14 tank like that. So that would be -- provide
15 notification.

16 And then as far as any danger related to
17 sparks or ignition, that's been long established and
18 safety requirements in the installation, that
19 protects it from igniting the tank itself. So
20 there's controls in place that would prevent that
21 from happening, any tank from catching on fire.

22 **MR. DOWNING:** That's it. Thank you.

23 **MR. GOKORSCH:** Any other questions from
24 the board?

25 **MR. BOUCHEK:** I do have one question.

1 You seen the site plan. Is there any issues with
2 the site plan on getting your equipment onto the
3 site and doing what you need to do?

4 **CHIEF FRAZER:**No. Since it has two
5 access areas, it gives us the ability if one would
6 be blocked, we can approach through the other
7 access. And based on the township properties, since
8 nothing will be constructed, it gives us the
9 capability to place equipment there if need be,
10 whether it's a setting up a water source, conducting
11 incident command, the green space area serves us the
12 ability to place equipment.

13 **MR. BOUCHEK:** One more question: Is
14 there any reason that you would need a curb cut to
15 get onto the property larger than 30 feet to get
16 your equipment onto the property?

17 **CHIEF FRAZER:**If that's a standard curb
18 cut, that's what we work with now.

19 **MR. GOKORSCH:**Thank you --

20 **CHIEF FRAZER:**Thank you.

21 **MR. GOKORSCH:**-- very much.

22 **MR. KING:** Thank you. I actually
23 have a couple questions.

24 **CHIEF FRAZER:**Sure.

25 **MR. KING:** I'm going to mark his

1 letter as Exhibit 16.

2 Chief, how long have you been the fire
3 chief in Russell?

4 **CHIEF FRAZER:**Eighteen years.

5 **MR. KING:** Eighteen years?

6 **CHIEF FRAZER:**Yes.

7 **MR. KING:** I assume you have ongoing
8 training with regard to fire safety; is that
9 correct?

10 **CHIEF FRAZER:**Yes.

11 **MR. KING:** When you reviewed the
12 plans both previously, the ones dated June and the
13 most recent set of plans, you're specifically
14 reviewing them for concerns with regard to health
15 and safety; is that correct?

16 **CHIEF FRAZER:**Yes.

17 **MR. KING:** And then I believe you
18 indicated that the revised plan actually presents
19 some additional benefits in terms of safety; is that
20 correct?

21 **CHIEF FRAZER:**Yes. The structure is
22 moved to the center of the property, it affords the
23 greatest opportunity to keep that structure away
24 from other structures. It increases that space
25 between structures.

1 **MR. KING:** Okay. Thank you.

2 The Russell zoning resolution with regard
3 to conditional uses mentions gasoline service
4 stations presented peculiar hazards to safety, as
5 well as potential hazards of fire, noxious or
6 offensive fumes, odors and noise. Would you say
7 that with today's technology that's still an
8 accurate statement?

9 **CHIEF FRAZER:** It's improved the safety
10 of the service stations, and this one in particular
11 does not have a component attached to it that has a
12 garage for mechanical work, which presents a
13 completely different problem.

14 So the building itself is basically any
15 business class you find in the community, and the
16 service station has natural inherent hazards because
17 you're dealing with the public dispensing fuel, but
18 modern technology today does help in both limiting
19 the ignition sources, as long as people follow the
20 rules, and in monitoring leaks that may occur in
21 those storage tanks.

22 **MR. KING:** So if I told you the
23 zoning provision I just read was drafted 15-plus
24 years ago, would you tell me that technology has
25 changed significantly in that time and reduced all

1 of those risks that I mentioned?

2 **CHIEF FRAZER:** I would say that it has
3 improved it -- technology has improved the ability
4 to identify some of those risks.

5 **MR. KING:** Based on your review of
6 the plans, do you have any specific concerns with
7 regard to the plans in terms of fire safety?

8 **CHIEF FRAZER:** I do not. We've had as
9 many as five service stations in Russell. So we've
10 always dealt with that potential risk, including our
11 own fuel depot for Russell Township. So we've had
12 to deal with that risk for as long as I've been on
13 the fire department.

14 **MR. KING:** And I'm just going to
15 refer to your testimony at the last hearing because
16 I thought it was kind of enlightening for the
17 general public. You mentioned specifically movies,
18 and I think you mentioned two in particular. But
19 you stated that those explosions and fires that you
20 see in the movies don't happen in this day and age
21 with gas stations; is that correct?

22 **CHIEF FRAZER:** That's correct. Where
23 the pump is located is a very small quantity of
24 fuel. There's flame arresters that exist in those
25 components of the pumps to keep anything from going

1 back into the tank. So there's actually a small
2 quantity of fuel contained aboveground, and they do
3 not explode like you see in the movies.

4 **MR. KING:** Thank you. I have
5 nothing further.

6 **MR. GOKORSCH:** Thank you.

7 **CHIEF FRAZER:** Thank you.

8 **MS. TKACZ:** Point of order. If this
9 was like pretending we're at a real trial, is there
10 somebody that can also ask questions of the witness?

11 **MR. GOKORSCH:** You will be given the
12 opportunity to do that if you'd like to ask a
13 question.

14 **MS. TKACZ:** I would.

15 **MR. GOKORSCH:** We'll open the public
16 hearing.

17 John, because you have another appointment
18 this evening, we can take it out of sequence, if you
19 like, and let questions be asked, if that's all
20 right with you?

21 **CHIEF FRAZER:** That would be fine.

22 **MR. GOKORSCH:** We'll open the public
23 hearing for this nice lady here.

24 **MS. TKACZ:** "This nice lady here."

25 Sharon Tkacz, T-k-a-c-z, and I'm just going

1 after what you said the model is for a courtroom.
2 So I'd like to ask: This gentleman asked you if the
3 technology has reduced the risk of a fire, and your
4 answer was technology has improved the ability to
5 detect. That's not exactly the same thing.

6 **CHIEF FRAZER:** I think when you're
7 discussing gasoline, gasoline hasn't changed the
8 formulation. So technology doesn't affect the
9 product, it's affected by the dispensing of, the
10 storage of, the use of.

11 So a lot of those issues have been
12 addressed more recently with technology such as the
13 leak control where somebody can be identified
14 immediately. If somebody puts the trigger on the
15 controller and leaves it on and it falls out, it can
16 detect that it's free-flowing, it's not getting any
17 air back in and it will shut it down. So, yes,
18 there are certain things today that did not exist.

19 **MS. TKACZ:** Does that actually reduce
20 the risk?

21 **CHIEF FRAZER:** Sure.

22 **MS. TKACZ:** Okay.

23 **MR. GOKORSCH:** Thank you, Chief.

24 All right. Motion to close the public
25 hearing?

1 **MR. DOWNING:** Public comment?

2 **MR. GOKORSCH:** Public comment.

3 **MR. DOWNING:** Move we close the public
4 comment section.

5 **MR. BOUCHEK:** Second.

6 **MR. GOKORSCH:** All in favor?

7 (Thereupon, the Board members answered in
8 the affirmative.)

9 **MR. GOKORSCH:**It's back to you.

10 **FEMALE SPEAKER:** There's a question --

11 **MR. DOWNING:** No, we're done.

12 **MR. GOKORSCH:**Is this a question
13 specifically for the chief?

14 **MR. WAGNER:** I believe so. I would
15 like to ask --

16 **THE NOTARY:** I can't hear him. I'm
17 sorry.

18 **MR. GOKORSCH:**We need a motion to
19 open --

20 **MR. GRASSI:** Move we open the public
21 meeting again.

22 **MR. DOWNING:** Second.

23 **MR. GOKORSCH:** All in favor?

24 (Thereupon, the Board members answered in
25 the affirmative.)

1 **MR. WAGNER:** My name is John Wagner, I
2 live in Fox Hollow, it was voted part of the
3 township. I had a question. I know John Frazer
4 testified at the previous meeting about the ability
5 of handling a fire, pump fire. In case of a spill,
6 a tank would spill gas, who is in charge of that?
7 Would that be the fire department in containing
8 that, or is there some other team?

9 There was a spill at Hopkins Airport on
10 November 6th and another one on I-77 back in 2017,
11 who would handle oil spills here, gasoline spills?
12 Would your fire department need additional equipment
13 to handle that?

14 **CHIEF FRAZER:** We wouldn't need any
15 additional equipment than what we have. We
16 currently have foam application equipment. So we
17 would be the initial responders to that incident,
18 apply foam to keep -- prevent ignition if there was
19 a spill. And then we have the capability -- we
20 contract with Southeast Hazmat Services. So we
21 could call that team and they could assist us if we
22 need more foam, if we need containment, items like
23 that. And then the EPA would be the third tier of
24 that, they would have contractors they can call. We
25 would notify the Ohio EPA and they would have

1 contractors they could assist with self-containment
2 and cleanup.

3 **MR. WAGNER:** How quickly would that
4 containment happen? Gasoline runs real fast.

5 **CHIEF FRAZER:** We carry booms and pads
6 in our equipment -- in our response equipment. So
7 the old BP station, we had a spill there before, we
8 foamed it to keep it from igniting. I don't recall
9 without looking at the report what the exact cause
10 of that was, a huge spill, but we were able to get
11 it foamed in a timely manner.

12 So that would be the first thing we would
13 do just to prevent ignition is the foam down. And
14 then as soon as the call comes in we have the
15 capability to do that.

16 **MR. GOKORSCH:** Thank you, Chief.

17 I'll make the assumption that the Russell
18 Fire Department is capable and qualified. The fire
19 chief has been here for decades.

20 Thank you very much, Chief.

21 **MR. DOWNING:** Move to close the public
22 portion.

23 **MR. BOUCHEK:** Second.

24 **MR. GOKORSCH:** All in favor?

25 (Thereupon, the Board members answered in

1 the affirmative.)

2 **MR. KING:** Continue?

3 I would like to call Mr. Cox. Do the best
4 you can here with this hand-off system.

5 Mr. Cox, please identify yourself for the
6 board, if you would?

7 **MR. COX:** My name is Craig Cox, I'm
8 the president and principal scientist at Cox-Colvin
9 & Associates.

10 (Telephonic interruption.)

11 **MR. GOKORSCH:** I would ask everyone,
12 please, at this time turn your cell phones off.
13 Thank you.

14 **MR. KING:** I'm going to make sure
15 mine is off.

16 **MR. COX:** I'm a hydrogeologist. I
17 have a bachelor's degree and a master's degree from
18 Ohio State University in geology and a professional
19 degree in hydrogeology from the Colorado School of
20 Mines and I've been practicing as a professional
21 hydrogeologist since 1987.

22 **MR. KING:** How about in Geauga
23 County, do you have any specific experience there?

24 **MR. COX:** Yes. I've been working
25 in the Middlefield area since 1995.

1 **MR. KING:** In what capacity?

2 **MR. COX:** There was a site over
3 there known as Carlisle Engineered Products that had
4 released solvents over the years, and we designed
5 the containment system, and it's still active today
6 to keep containments on-site while we cleaned them
7 up.

8 **MR. KING:** What's the name of your
9 firm again?

10 **MR. COX:** Cox-Colvin & Associates.

11 **MR. KING:** Your position?

12 **MR. COX:** I'm the president and
13 principal scientist.

14 **MR. KING:** Do you know Doug Hunter?

15 **MR. COX:** I do. Doug Hunter is an
16 employee of ours. I've worked with Doug since
17 probably 1985 -- or 1995.

18 **MR. KING:** Okay. And have you
19 assisted Doug in the efforts to determine the
20 sufficiency of a water aquifer for circle K's
21 proposed use?

22 **MR. COX:** Yes, I have. I'm
23 standing in his place tonight because he is at a
24 groundwater conference out west that he had planned
25 to go to and couldn't avoid.

1 **MR. KING:** I heard terms hydrologist
2 and hydrogeologist. What does a hydrogeologist
3 specialize in?

4 **MR. COX:** A hydrogeologist
5 specializes in locating and evaluating the movement
6 of groundwater to wells and aquifer systems.

7 **MR. KING:** So specifically the well
8 that's proposed here is within the hydrogeologist
9 area of expertise; is that correct?

10 **MR. COX:**That's correct.

11 **MR. KING:** Now, Mr. Hunter testified
12 at the previous hearing regarding his opinion as to
13 the sufficiency of the water aquifer for the
14 proposed use. Have you been able to formulate your
15 own opinion in that regard?

16 **MR. COX:**Yes, I have. And since
17 I've been working in Geauga County for -- since
18 1995, I've studied the geology of the area and
19 understand it very well.

20 If you mind, I can kind of --

21 **MR. KING:** Go.

22 **MR. COX:**-- go ahead.

23 The lowest aquifer that people use within
24 this part of Geauga County is the Berea Sandstone,
25 and it's about 40 to 50 feet thick. It's been

1 mapped for a long time. A guy by the name of John
2 Rau at USGS in 1969 published maps on the structure,
3 the thickness of the Berea Sandstone.

4 It lies at about 150 feet below the surface
5 here. Above that is about 100 feet of shale known
6 as the Cuyahoga Group, and then above that is the
7 Pottsville Sandstone, which is Pennsylvania; and
8 basically the two aquifers that are used -- two
9 bedrock aquifers used in this part of Geauga County
10 is the Pottsville, which gets its water from less
11 than 50 feet, and then the Berea Sandstone, which
12 gets its water from about 150 to 200 feet.

13 **MR. KING:** Mr. Cox, at the previous
14 hearing Mr. Hunter testified about some information
15 he had reviewed which included boring logs,
16 published information from the U.S. Geological
17 Survey, the Kent State University report and some
18 published potential matrix surface maps. Did you
19 review all of that as well?

20 **MR. COX:** Yes, I sat down with Doug
21 and we reviewed those things together to get up to
22 speed.

23 **MR. KING:** Since that hearing, have
24 you reviewed any additional information?

25 **MR. COX:** Today I looked again back

1 at the maps by John Rau published in 1969. They're
2 not -- they're publicly available, but they're out
3 of print, so it's a little hard to find, and we have
4 a few copies but not too many. But I looked at
5 those today.

6 **MR. KING:** What about boring logs?
7 Did you review numerous boring logs?

8 **MR. COX:** Yes. Doug assembled a
9 book full of well logs, and I took a look at the
10 logs, specifically the logs in the right -- in the
11 vicinity of where the Circle K is proposed.

12 **MR. GOKORSCH:** Is this what that is?

13 **MR. COX:** Yes, that is a map of
14 well logs, the positions which are taken from the
15 Ohio Department of Natural Resources' website.

16 **MR. KING:** You're looking at, for
17 the record, Exhibit 13, correct?

18 **MR. COX:** Exhibit 13, that's
19 correct.

20 **MR. KING:** There are approximately
21 80-some wells?

22 **MR. COX:** Approximately 80-some
23 wells within the scope of that map.

24 **MR. GOKORSCH:** Excuse me one second.
25 Can we get Exhibit 13 up there? Shane, can we get

1 that to be on there?

2 We have a copy here but they don't have a
3 copy. Let's let everybody see what we're seeing
4 here.

5 Thank you, Shane.

6 **MR. KING:** So, Mr. Cox, we're
7 talking about Exhibit 13 which is now on the
8 projection screen, and that is a chart of all of the
9 different boring logs that you and Mr. Hunter
10 reviewed in formulating your opinion as to the
11 sufficiency of groundwater supply, correct?

12 **MR. COX:** Yeah, that is correct.

13 **MR. KING:** Now, did you find
14 anything in those boring logs that alters
15 Mr. Hunter's position that the groundwater supply is
16 adequate for the proposed used?

17 **MR. COX:** No, I didn't find
18 anything that would compute that.

19 **MR. KING:** I'm going to hand you now
20 what has been marked as Exhibit 14. Can you please
21 identify that for the board?

22 **MR. COX:** Exhibit 14 is a
23 hydrograph. So it's a measurement of the water
24 levels in well G338, which is in the Berea
25 Sandstone, and on Exhibit 13 it is located at the

1 right side of the page about halfway down. And it's
2 a monitor well that -- of course, it's a well that
3 is used to monitor water levels for long-term times.
4 So we have a good record of that dating back to
5 1997.

6 **FEMALE SPEAKER:** What address is that
7 location, because I'm --

8 **MR. GOKORSCH:** Excuse me. We haven't
9 opened it up for public comment.

10 **MR. KING:** All right. When you say
11 monitor the well, who is monitoring the well?

12 **MR. COX:** I believe this one is
13 monitored by Ohio Department of Natural Resources.

14 **MR. KING:** And Exhibit 14 is --
15 exactly what is it?

16 **MR. COX:** It's a periodic
17 measurement of the depth to water within the well,
18 and then that's converted to an elevation. As you
19 can see on the chart, it does go up -- water levels
20 do go up and down periodically, but the overall
21 average depth has been fairly consistent since 1997.

22 **MR. KING:** What is this chart graph
23 tell you about the aquifer recharge?

24 **MR. COX:** It indicates that even
25 though there's a lot of withdrawals from area wells

1 out of the Berea Sandstone, the level of the water
2 is fairly consistent so that it's recharging as much
3 as being taken out.

4 **MR. KING:** Does this information
5 support or bolster your opinion and Mr. Hunter's
6 opinion that the groundwater supply is adequate for
7 the proposed use?

8 **MR. COX:** It does. And one of the
9 things I wanted to point out is that the elevations
10 of these water levels are not within the aquifer
11 itself, it's actually the elevation within the well.

12 So when you drill a well into the Berea
13 Sandstone in this area, it's under pressure. So it
14 comes up into the well as much as 6 or 7 feet.

15 So there's a lot of water pressure behind
16 the water that's in the Berea Sandstone. So this
17 going up and down is the measure of how much the
18 pressure is changing, but really the water levels
19 never get down to the top of the Berea Sandstone.
20 So it's still contains all the water that's in
21 there, it's just releasing pressure when people use
22 wells.

23 **MR. KING:** The boring log that you
24 reviewed included boring log reports for two of the
25 existing wells on the subject property; is that

1 correct?

2 **MR. COX:** Yes, that is correct.

3 **MR. KING:** A question was posed at
4 the last hearing about the one published report from
5 2002 and whether circumstances might have changed
6 since that report in 2002 that you would not be
7 aware of as a hydrogeologist. Does this information
8 give you assurance that the aquifer levels and
9 recharge capabilities have remained favorable since
10 2002?

11 **MR. COX:** They do.

12 **MR. KING:** And how would you answer
13 that question or concern about the last published
14 report being in 2002?

15 **MR. COX:** The aquifer itself
16 doesn't change through time. It's been that way for
17 thousands or millions of years anyway, and the water
18 that's available is provided through recharge from
19 rainfall and those kind of things. The time between
20 2002 and the present, you know, it's 16 years, so
21 the geologic time scale is just a blink of an eye.
22 The data that's collected continually by ODNR shows
23 that the characteristics are still the same.

24 **MR. KING:** In your opinion once
25 again as to the adequacy of the existing water

1 aquifer to serve the proposed use is what?

2 **MR. COX:**The aquifer in this area
3 will be sufficient without harming other nearby
4 wells.

5 **MR. KING:** Thank you. That's all I
6 have.

7 **MR. GOKORSCH:**Sure.

8 I have a question for you, Mr. Cox. How
9 many new home equivalents would this be under the
10 assumption that we're going to keep building big
11 mansions like we do here with three baths, et
12 cetera?

13 **MR. COX:**Doug would be better
14 answering that question than I would be. My
15 expertise is more in determining aquifer
16 characteristics and how an aquifer responds to
17 pumping. Doug is more of a hydrogeologist that
18 deals more with water supply, so he would be better
19 to answer that question.

20 But I don't think it would be -- I believe
21 that the amount of water that was requested was
22 75 -- they planned on 7,500 gallons a day, which
23 turns out to be about 5 gallons per minute.

24 The wells that are nearby that have already
25 been -- the existing wells tested at 14 gallons a

1 minute, one of them tested at 50 gallons a minute
2 and another one tested at 7. So those are wells
3 within the property.

4 **MR. KING:** Would you just revise
5 your answer, because the testimony was last time
6 that the estimated usage is 3,500 gallons per day?

7 **MR. COX:** So 3,500 gallons per day
8 that would be roughly 3 gallons a minute. So
9 there's plenty of water for 3 gallons a minute.

10 **MR. GOKORSCH:** Do we know what the
11 average home uses per day?

12 **MR. COX:** The average home, I
13 believe, is about 2 gallons per minute, but I'm
14 not -- again, that was Doug's expertise.

15 **MR. GOKORSCH:** Okay. Okay. Any other
16 questions from the board?

17 **MS. MOORE:** I have a couple
18 questions.

19 Mr. Cox, you said you're a hydrogeologist?

20 **MR. COX:** Yes.

21 **MS. MOORE:** Can you share with all of
22 us what the difference might be between a
23 hydrogeologist and a hydrologist?

24 **MR. COX:** I was talking to Dave
25 about that just before we sat down.

1 I believe the terms are generally the same,
2 but for me a hydrogeologist is a person that deals
3 with groundwater primarily, a hydrologist also
4 evaluates stream flows and overland flow of water,
5 that kind of thing.

6 **MS. MOORE:** Would a qualified
7 hydrologist be utilizing the same data points that
8 you utilized in determining whether there was
9 sufficient water supply?

10 **MR. COX:** Yeah, I believe so.

11 **MS. MOORE:** Would there be any other
12 data points that a qualified hydrologist would
13 utilize to make the determination that there would
14 be a sufficient water supply for the use that is
15 proposed?

16 **MR. COX:** I don't -- I really don't
17 believe so, no. It's all about what the aquifer
18 will provide to the well. So that's the realm of a
19 hydrogeologist.

20 **MS. MOORE:** And, Mr. King, just to
21 your direction, do you have written confirmation
22 from a qualified hydrologist that sufficient water
23 supply is available?

24 **MR. KING:** No, we're standing on the
25 hydrogeologist opinion and stating it to that

1 effect.

2 I believe, even based on his testimony,
3 that it is equal or superior in ways to what a
4 hydrologist would offer given his expertise is
5 specific to groundwater aquifers.

6 **MS. MOORE:** And I don't mean to
7 harbor or harp on this point, but our zoning
8 resolution is very clear in terms of it being a
9 qualified hydrologist, and that's where the source
10 of my questioning is coming from.

11 **MR. KING:** I know where that
12 question comes from, but I think he has addressed
13 that. I think we provided everything that a
14 hydrologist would provide and actually more because
15 of his expertise specific. Unless, I think, there's
16 a definition in the zoning that would preclude the
17 opinion of a hydrogeologist who has established his
18 credentials and qualifications, I think that meets
19 the requirements set forth therein.

20 **MS. MOORE:** I appreciate that, and
21 just for purposes of dotting the Is and crossing the
22 Ts, would you be having Mr. Cox provide his written
23 confirmation plan? I appreciate his testimony, but
24 will you be following up with that?

25 **MR. KING:** He will prepare that as

1 we move on.

2 **MS. MOORE:** Wonderful.

3 **MR. GOKORSCH:** Any other questions from
4 the board?

5 **MR. DOWNING:** No.

6 **FEMALE SPEAKER:** Cross-examine?

7 **MR. GOKORSCH:** We are not going to be
8 opening and closing the public hearing. All right.
9 Save your questions for the end, he will be here, he
10 will answer all of your questions.

11 **MR. KING:** I would like to bring
12 Mr. Wellert up.

13 And before I begin, Mr. Cox, you were sworn
14 in at the beginning, correct?

15 **MR. COX:** I was.

16 **MR. KING:** Bob, you were sworn in as
17 well?

18 **MR. WELLERT:** I was.

19 **MR. KING:** Mr. Wellert, you
20 testified previously, but real quick for the
21 audience, can you just give your background in 60
22 seconds or less?

23 **MR. WELLERT:** Sure.

24 I'm a civil engineer, graduated from the
25 University of Akron in 1990 with a bachelor's of

1 science degree. I've been practicing civil
2 engineering since that time, and primary focus
3 during those last whatever it is, close to 30 years,
4 a lot of our work has been in the retail petroleum
5 industry for gasoline and truck stop development --
6 gasoline station I should say.

7 **MR. KING:** Okay. Before I forget
8 and before we get to the revised plans, I'm handing
9 you what is marked as Exhibit 11. Can you identify
10 that for the board?

11 **MR. WELLERT:** This is copy of the email
12 between Wellert Corporation, an employee at my
13 company, and Brian Kroft, who is a design engineer
14 at Geauga County Department of Water Resources.
15 This email was an inquiry as to whether the public
16 sanitary sewer facility in the area has adequate
17 capacity for the proposed Circle K, and his answer
18 is, yes, our facilities have the capacity for this
19 well.

20 That capacity that we inquired about was
21 3,500 gallons per day of estimated flow, which is
22 based on an Ohio EPA recommended guideline for a
23 facility such as this.

24 **MR. KING:** And does Mr. Kroft's
25 statement coincide with your information and opinion

1 in that regard?

2 **MR. WELLERT:** I would say it does. I
3 don't have knowledge of the infrastructure, so we
4 have to rely on him for that, but for the estimated
5 flows it's a relatively small amount.

6 **MR. KING:** I'm also going to hand
7 you quickly what's marked as Exhibit 12. Can you
8 identify that for the board, please?

9 **MR. WELLERT:** Again, this is a copy of
10 an email from Wellert Corporation to Carmella Shale,
11 she's the director of Geauga Soil and Water
12 Conservation District. We sent to her a preliminary
13 design for stormwater control for the proposed
14 project, and her response to our -- her review of
15 our preliminary design is that -- I'll read it so
16 that I get it correct. The conceptual stormwater
17 planning calculations were received for the above
18 referenced project, and although a formal review
19 cannot be completed as submitted, there does not
20 appear to be anything major outstanding within the
21 conceptual design under the purview of the Geauga
22 Soil and Water Conservation District and the Geauga
23 County Water Management and sediment control
24 regulations that could not be adequately addressed
25 with complete design and submittal during the formal

1 review by Geauga Soil and Water Conservation
2 District.

3 **MR. KING:** At the last hearing, Bob,
4 you testified about the Stormwater Management
5 Concept Plan, and you indicated that it was a
6 concept plan only; is that correct?

7 **MR. WELLERT:** I did, but I don't want
8 that to be taken lightly. There was engineering
9 involved in the development of that plan. It wasn't
10 just haphazardly thrown together.

11 We reviewed the stormwater regulations for
12 this area, as well as our experience in other areas,
13 and we performed some preliminary site grading to
14 accommodate any stormwater runoff within the
15 definition of the storms that we have to design for,
16 and we have a collection system preliminarily
17 engineered that would then discharge to the ditch
18 system on State Route 87 and ultimately flow to a
19 receiving tributary stream.

20 The discharge from this project --
21 stormwater discharge would be of equal or less
22 quantity than what happens today. So we're just by
23 law not permitted to increase stormwater runoff.

24 **MR. KING:** Okay. And the reason for
25 not submitting final stormwater plans at this time

1 again is what?

2 **MR. WELLERT:** There's a significant
3 investment in time and resources to get that without
4 any guarantee of an approval at this point. So
5 instead of finalizing that design and asking for
6 approval, which a regulatory agency really couldn't
7 approve until a zoning permit has been granted. So
8 we're prepared to do that, we just haven't completed
9 that design because we don't have the variances or
10 the conditional use approved yet.

11 **MR. KING:** In other words, you don't
12 know what your final site plan is, correct?

13 **MR. WELLERT:** We're pretty close. It
14 won't change from what we're seeing on this board as
15 far as layout, unless there's a specific need from
16 the board. We're locked in on the items that will
17 be there. The things that might vary are the site
18 grading, you know, the slopes due to grading.

19 We mentioned in the last meeting, the
20 entire site would have a 6-inch curb. So it's -- if
21 I back up for just a minute, the existing corner is
22 not very well improved. There's no curbing to
23 control stormwater runoff. If you drive over there,
24 which I did this evening, there's large puddles on
25 the different properties, and stormwater just kind

1 of haphazardly drains from the site.

2 Our design would have uniform flows through
3 the paved areas, and we would have a 6-inch concrete
4 curb around the exterior of the pavement, primarily
5 the north side and east side. Most of the
6 stormwater is draining towards the east. It would
7 be collected onsite within a stormwater system, held
8 in underground pipes, and then pumped -- if we can
9 get gravity flow, we'll gravity flow, but it looks
10 like we'll have to then pump it out to a receiving
11 system at a lower discharge area.

12 **MR. KING:** Okay. And with regard to
13 the Soil and Water Conservation District
14 regulations, you are familiar with those, correct?

15 **MR. WELLERT:** Yes, yes, we are.

16 **MR. KING:** Is there any reason that
17 you're not going to be able to comply with those
18 assuming you have site plan approval and you're
19 ready to proceed with the final stormwater
20 management plans?

21 **MR. WELLERT:** I can't think of any
22 reason to not be able to comply.

23 Additionally I did mention -- I talked
24 about stormwater runoff rates and volume. Those are
25 to be controlled. State regulations require that we

1 treat this water primarily for turbidity. So we'll
2 have a stormwater quality improvement engineer do
3 this. Again, that's part of the underground
4 stormwater system.

5 **MR. GOKORSCH:** Can the board ask
6 questions at this time?

7 **MR. KING:** Sure, as long as I can
8 pick up when you're done.

9 **MR. GOKORSCH:** Go ahead. I'll wait
10 until you're done.

11 **MR. KING:** No. Actually I'd like
12 you to go. I'm curious to see where you're --

13 **MR. GOKORSCH:** Given the fact that the
14 lot coverage on this exhibit is different than what
15 the requirements are for the site plan, will the
16 stormwater storage capability be sufficient such
17 that all the water that's coming off the impervious
18 surface and the buildings can be stored and not
19 dumped immediately into the systems?

20 **MR. WELLERT:** That is a specific
21 requirement, so the answer is yes.

22 **MR. GOKORSCH:** Right now -- one other
23 question.

24 You said by law you're not allowed to
25 have -- you must have less runoff tomorrow versus

1 today; is that correct?

2 **MR. WELLERT:** So my answer about the
3 stormwater regulations are that my company -- that
4 design engineer I have employed knows the specific
5 requirements. I would say that the general policy
6 anywhere in Ohio that I've seen in the stormwater
7 requirements is that your postdevelopment runoff
8 cannot exceed predevelopment. That's a water rights
9 use before a (inaudible).

10 **MR. GOKORSCH:** What if there's no water
11 control system today? I mean, honestly I don't know
12 if there's any system in place.

13 **MR. WELLERT:** There's really not.

14 **MR. GOKORSCH:** You're saying you can't
15 exceed zero.

16 **MR. WELLERT:** Well, I can look back in
17 the rules, but I'm pretty certain in this county, in
18 this specific instance -- I know for a fact in this
19 instance we have to reduce the amount of runoff.

20 They normally have a critical storm method
21 where we have to take a rarely occurring storm,
22 which might have a high volume, and reduce it back
23 to a one-year storm, you know, has a low discharge
24 rate; otherwise, you wouldn't need stormwater
25 detention, and we clearly have it designed on this.

1 **MR. GOKORSCH:** Your target -- to be
2 clear here for the record, your target is to make
3 sure that the reservoir, if you will, the storage
4 capability is sufficient such that the lot coverage
5 requirement would be met in the event of a storm?

6 **MR. WELLERT:** Well, the lot coverage --
7 regarding the zoning lot coverage?

8 **MR. GOKORSCH:** Yes.

9 **MR. WELLERT:** The zoning lot coverage,
10 the way I understand, is an area coverage, not
11 necessarily related to stormwater. So the more
12 paved area you have, the more stormwater runoff you
13 have.

14 We are going to control all the stormwater
15 from this new development. So we're increasing --
16 we are increasing the paved area, but we will be
17 controlling that stormwater and discharging it at a
18 rate less than what happens today.

19 **MR. GOKORSCH:** All stormwater from the
20 impervious surfaces and the building will be
21 controlled in the future?

22 **MR. WELLERT:** Correct.

23 **MR. GOKORSCH:** Thank you.

24 Any other questions from the board?

25 **MR. KING:** Did you bring an enlarged

1 set of plans?

2 **MR. WELLERT:** I did. I have the plans
3 roll -- depending on where you start, we have the
4 plans roll.

5 **MR. KING:** Can you start with 9, the
6 one that's on the board, the full site plan?

7 Can I let Mr. Cox go?

8 **MR. GOKORSCH:** I'd rather not, because
9 if there's going to be questions later, they may
10 relate to his area of expertise.

11 **MR. KING:** I'm handing the board a
12 full-size set of plans marked as Exhibit 9.
13 Hopefully, we can identify some of the matters that
14 you weren't able to see previously.

15 But, Bob, I'm going to have you identify
16 Exhibit 9 which has been handed to the board, and
17 can you please tell the board what that is?

18 **MR. WELLERT:** Exhibit 9 essentially is
19 the same set of plans that we originally made
20 application with. We've made a few revisions to
21 this. Exhibit 9 contains 19 drawings. We've made a
22 few updates to those plans, primarily I think to the
23 lighting plan, the architecture elevations. The
24 site plan issues really didn't change much. We felt
25 we could handle those with the original application

1 and we still do.

2 We have marked Exhibit 9. Every sheet
3 that's changed, the drawing dates may still be the
4 same.

5 I brought a little pointer. In here we
6 normally have our drawing date, and that's when the
7 drawing was originally created. But up here is our
8 revision block, and on every sheet we've identified
9 a revision number and what we revised. In some
10 cases it was as simple as where we said "revised
11 scale," we had a scale bar that was drawn wrong. So
12 that was it.

13 Additionally on this sheet, on the sheet
14 list table we added the revision numbers. So these
15 revision numbers should correspond to the similar
16 pages that are behind.

17 **MR. GOKORSCH:** That helps. It confused
18 us before.

19 **MR. WELLERT:** Right, it was confusing
20 before. We tried to clarify that. Now everyone
21 understands the method that we used for the dating
22 of those plans.

23 **MR. KING:** Can you go to -- where
24 should he go for the first changes you were
25 referring to?

1 **MR. WELLERT:** It would be better if I
2 could actually see these and then I can make sure I
3 highlight the correct changes.

4 **MR. GOKORSCH:** I'd like, if possible, we
5 can bring up the same --

6 **MR. WELLERT:** Let's go forward one
7 sheet to page number 2. Reviewing, this is the
8 existing conditions plan. So this is a plan that
9 shows what is on the site today. There's the Circle
10 K, the veterinary office building and the bank.

11 When we were getting ready to reissue
12 these, I noticed that our parking space summary was
13 incorrect. That's in here. The scale that I had
14 mentioned, the drawing scale that's shown there was
15 just (inaudible) correctly, the area summary, which
16 is this box which calculates the amount of
17 impervious area, impervious area and building area,
18 that calculation was wrong and the previous
19 application it included lot number 5, which is a
20 township corner property.

21 So we've revised those. We revised the
22 parking count to reflect what I believe is really
23 there today, we revised the area summary to exclude
24 lot number 5. Those are the primary revisions.

25 **MS. MOORE:** Before you move on, the

1 total building coverage, including all accessory
2 buildings and structures, does that exceed 40
3 percent of the total lot area?

4 **MR. WELLERT:** The total building
5 coverage is right here. This existing is at 14
6 percent. So there's three buildings on basically
7 three parcels. They're 14 percent of the total land
8 area.

9 **MS. MOORE:** One four percent?

10 **MR. WELLERT:** Yeah, it's one four.

11 **MS. MOORE:** So, Mr. King, are you --
12 I recognize we are in (inaudible) as to a different
13 issue. We are currently hearing application 515,
14 correct?

15 **MR. KING:** We are at this time
16 addressing the conditional use and then we will hit
17 the variances one by one when we get to those, if
18 that's what you're asking.

19 **MS. MOORE:** So my question is: Given
20 that we do not have the 516 hearing open and
21 currently they are separate hearings, given these
22 revisions and what's at issue, is there value to
23 requesting that we merge the two?

24 **MR. KING:** Yes, absolutely.

25 **MS. MOORE:** Would you like to make

1 that request?

2 **MR. KING:** So moved.

3 **MS. MOORE:** I would move to accept
4 the applicant's request to merge variance -- excuse
5 me, conditional use permit request number 515 and
6 the variance request number 516.

7 **MR. KING:** Correct.

8 **MR. GRASSI:** I second the motion.

9 **MR. GOKORSCH:** All in favor?

10 (Thereupon, the Board members answered in
11 the affirmative.)

12 **MS. MOORE:** My next question is in
13 light of that merging -- and thank you for that
14 because that makes our job easier. In view of that
15 and the testimony that's just been given, the very
16 first bullet point on variance request 516 requests
17 70 percent lot coverage in lieu of the 40 percent
18 maximum required per Section 5.3.1(H). Would you
19 like to withdraw that based on the testimony as it
20 appears that you don't need that variance?

21 **MR. WELLERT:** I need to think about the
22 question for a moment.

23 **MR. KING:** Bob, on the page you're
24 on, is this existing or --

25 **MR. WELLERT:** This sheet talks about

1 existing conditions, has nothing to do with what
2 we're proposing. So today -- to help me answer your
3 question, you can guide me along if you don't mind.
4 Today in our table the total property area is 1.62
5 acres, the lot coverage, which includes impervious
6 area but not grass area, is at 82 percent. The
7 building coverage is at 14 percent.

8 **MR. KING:** What is the proposed use?

9 **MR. WELLERT:** I would have to flip to
10 the next sheet.

11 **MR. GOKORSCH:** Did that clarify that for
12 you?

13 **MS. MOORE:** Not yet.

14 **MR. GOKORSCH:** This is today's coverage.

15 **MS. MOORE:** I got that.

16 **MR. WELLERT:** The proposed use, the lot
17 coverage would be 70 percent, the building coverage
18 is 12.16, we'll call it 12 percent.

19 **MS. MOORE:** So my question remains:
20 5.3.1 (H), as I read it, deals with maximum building
21 coverage, and the testimony that I've just heard is
22 that the proposed total building coverage is less
23 than 40 percent, thereby not needing a variance of
24 5.3.1 (H); is that correct?

25 **MR. KING:** That is correct.

1 **MR. WELLERT:** That sounds correct to
2 me, yes.

3 **MR. KING:** We would withdraw that.

4 **MS. MOORE:** Would you like to modify
5 516 to remove that item?

6 **MR. KING:** Yes, please.

7 **MS. MOORE:** I move to accept the
8 applicant's request to remove the first bullet point
9 of variance request number 516 which reads
10 "Requesting 70 percent lot coverage in lieu of the
11 40 percent maximum required per Section 5.3.1 (H)."

12 **MR. KING:** As long as that is
13 building coverage.

14 **MS. MOORE:** I'll show you.

15 **MR. WELLERT:** Correct.

16 **MR. KING:** I trust you.

17 **MR. WELLERT:** I think that was my
18 confusion early on.

19 **MR. GOKORSCH:** We need a second.

20 **MR. BOUCHEK:** I second.

21 **MR. GOKORSCH:** All in favor?

22 (Thereupon, the Board members answered in
23 the affirmative.)

24 **MR. KING:** So back to page 2, were
25 there any additional changes that you needed to

1 address?

2 **MR. WELLERT:** I don't think so. I
3 believe the coverages in the parking count were the
4 primary items.

5 **MR. KING:** Okay. Going forward with
6 the plans, do you need to identify any of the other
7 missed significant changes to the board?

8 **MR. WELLERT:** The next sheet is the
9 same plan, meaning it shows the same items on the
10 site, we just added color to this to help
11 distinguish between paved and gravel area, building
12 area and currently impervious grass or wooded areas.

13 **MR. KING:** Okay.

14 **MR. WELLERT:** Coverages are still the
15 same.

16 **MR. KING:** Next you have a colorized
17 site plan which is number 3 in the bottom right.

18 **MR. WELLERT:** Correct.

19 The revisions that we made here
20 consisted -- they addressed a few things. One was a
21 request in our last meeting to identify the interior
22 floor area of the building, so we added that as text
23 right to there -- right at that location in the
24 building. It's in the center of the building.

25 **MR. KING:** Does it also include the

1 interior site plans?

2 **MR. WELLERT:** It does.

3 **MR. KING:** Okay. Which is 4351?

4 **MR. WELLERT:** Correct.

5 We revised the lighting plan. At our last
6 meeting, there was some conversation about the
7 exterior lighting. We went back and reviewed that,
8 we reduced lighting levels slightly but we've
9 modified the lighting. I can talk about that later.
10 But we made that lighting plan match the site plan.
11 So there were revisions here to address that.

12 We removed bollards. I don't know -- we'll
13 show you a rendering later this evening, but parking
14 is proposed -- we'll call this front-touch parking.
15 Parking is proposed in front of the building here
16 and on the north side of the building.

17 As a practice, to avoid trip hazards and to
18 address safety with customers, we make the parking
19 lot flush with the sidewalk so you don't have to
20 step up to a curb. But to do that and to keep cars
21 from hitting the building, we constructed bollards
22 along the front. The previous plan --

23 **MR. GRASSI:** What did you do in the
24 front?

25 **MR. WELLERT:** In the front we make the

1 elevation of the pavement from the drive area the
2 same as the elevation of the sidewalk. So it's
3 flush without a curb. And then we add bollards
4 right at the face of the sidewalk. You might be
5 able to see it, but the dark gray is the -- we'll
6 call it asphalt. We probably will pave this with
7 concrete, but to distinguish the parking and drive
8 area from the sidewalk, we kept the sidewalk as
9 white and we would add bollards right at the face of
10 the sidewalk.

11 What we did after I looked at a rendering,
12 I removed the bollards that aren't in front of the
13 building. So this area we removed bollards and this
14 area right here we removed some of the bollards, but
15 we still maintain them along the building wall to
16 protect the building in case a driver has a mishap.
17 It's happened in other areas.

18 So we added some labels to this plan. I
19 realized that -- one of the questions came up: Is
20 there concrete curbing? So we added a curbing
21 label, we identified in text. Some of the lighting,
22 we identified the overhead canopy, the underground
23 fuel storage tank locations. So we just added some
24 text to make things a little more clear.

25 I think we changed the drawing scale, too,

1 just to make sure it's correct. That was it. The
2 layout of the site is the same as we had previously
3 submitted.

4 **MR. GOKORSCH:** I note that you have
5 curbing on two sides here, you noted. Is there any
6 curbing between the township area and your -- the
7 other area? Is there any curbing on the other side?

8 **MR. WELLERT:** No, there is not. The
9 township property is higher. So on the north and
10 east property lines of the township we do not have
11 any curbing proposed there, and that area -- that
12 property is higher than the Circle K. And then
13 there's no curbing on either Kinsman or Chillicothe
14 Road.

15 One thing I didn't talk about in the last
16 meeting and is shown on this plan, and I'll just
17 point it out, as a matter of practice, we always
18 route the fuel delivery truck through the site, and
19 that path is shown.

20 Now, just because it's shown on this plan
21 doesn't mean it's the only path that is manageable.
22 The driveways are designed to accommodate that
23 tanker truck. We're got to get the gasoline into
24 the site. We chose this route to show you that
25 truck. And what you're seeing, this line here and

1 this line here, are wheel travel paths. The truck
2 can make it into the driveway, negotiate around the
3 dispenser islands, drop fuel, then exit back onto
4 306. These driveways are designed that they can go
5 in or out of either driveway.

6 **MR. GOKORSCH:** So on the drawing, what
7 it's showing is the fuel truck discharges, if you
8 will, the farthest possible from Kinsman or 306,
9 right?

10 **MR. WELLERT:** Correct, correct.

11 Generally the transport trucks off-load on
12 the passenger side of the truck. That's the only
13 reason that we showed the routing there. We have
14 the ability to do driver's side, but preferred
15 method is passenger side of the truck.

16 **MR. GOKORSCH:** Okay.

17 **MR. BOUCHEK:** If we move on, the
18 footprint of the building is 88 by 51, and the way I
19 calculate that is it says it's 4488 square feet. So
20 could we mark it on the exhibit 4351?

21 **MR. WELLERT:** Well, I can go back
22 through and check. Can I -- before we answer that,
23 can I look at the building floor plan that's further
24 back in the set?

25 I don't have a problem -- I just find it

1 odd that that is an error on there. But if, in
2 fact, the dimension of 88 by 51 calculate to the
3 number you quoted, that's fine. That's what it is.

4 The square footage of the interior, I was
5 told that our folks calculated that based on the
6 dimensions of this floor plan on A1-01.

7 **MR. GOKORSCH:** Can we take that as an
8 action item? Please do the calculation.

9 **MR. WELLERT:** Sure.

10 4488, I apologize, it looks like it's off
11 by 130 square feet.

12 **MR. GOKORSCH:** If that's the official
13 exhibit copy, please sign and date it while you're
14 there.

15 **MR. WELLERT:** (Complies with the
16 request.)

17 **MR. KING:** Bob, just for the record,
18 can you indicate what you've done to Exhibit 9, and
19 it would be sheet number 3?

20 **MR. WELLERT:** I circled the exterior
21 square footage, added a comment within the building
22 that says 88 by 51 equals 4488 square feet, signed
23 and dated it.

24 **MR. BOUCHEK:** I hate to be critical,
25 can you also make that correction on sheet 5 and 8?

1 **MR. WELLERT:** (Complies with the
2 request.)

3 **MR. GOKORSCH:** Thank you.

4 **MR. WELLERT:** Welcome.

5 **MR. GOKORSCH:** Any more questions from
6 the board?

7 **MS. MOORE:** Yes.

8 **MR. KING:** Bob, just summarize,
9 please, for the board the additional changes sheet
10 5, I believe.

11 **MR. WELLERT:** I made the same
12 correction on sheet 5 and sheet 8 where I showed the
13 exterior dimensions, called them out with the square
14 footage, signed and dated them.

15 **MS. MOORE:** I'm looking at sheet 3.

16 **MR. WELLERT:** Correct.

17 **MS. MOORE:** 6.5 F (5) of our
18 resolution states in pertinent part such driveway
19 shall not exceed 30 feet in width at the point of
20 intersection with the street pavement.

21 On the diagram it appears to indicate 40
22 feet of width, which I'll call it interior width
23 versus width at the point of intersection with the
24 street pavement. What is the width at the
25 intersection -- at the point of intersection with

1 street pavement?

2 **MR. KING:** Both 87 and 306?

3 **MS. MOORE:** Yes.

4 **MR. WELLERT:** Nearly 90 feet.

5 **MS. MOORE:** What does that indicate?

6 **MR. WELLERT:** Where it intersects the
7 pavement at each road.

8 **MS. MOORE:** How do you get 90 feet?

9 **MR. WELLERT:** The radius returns at 25
10 feet as labeled.

11 **MS. MOORE:** I see.

12 So with that being said, variance request
13 516 requests a 40-foot driveway width off of State
14 Route 306 in lieu of 30-foot maximum required per
15 Section 6.5 F (5). The same bullet point is
16 repeated relative to the driveway width off of State
17 Route 87.

18 Mr. King, do you want to consult with your
19 client to see whether there's a request to modify
20 those two bullet points?

21 **MR. KING:** Yes. Thank you.

22 **MR. WELLERT:** If the code is clear that
23 it's at the edge of pavement, then we would have to
24 modify those.

25 **MR. GOKORSCH:** I do have a question

1 about the radius there of 25 feet. Is that pretty
2 common to have a 25 radius like that?

3 **MR. WELLERT:** It is pretty common. We
4 wouldn't go less than that. Many times you would
5 want more. We've designed projects where the OT has
6 required more than that.

7 **MR. GOKORSCH:** Okay.

8 **MR. WELLERT:** The primary design for
9 driveways is to accommodate the vehicles safely. So
10 we needed to make sure that we had enough width to
11 get the transport truck in and out regardless of the
12 width that a client or someone might want. We
13 design it to accommodate the vehicles both incoming
14 and exiting.

15 **MS. MOORE:** So a follow-up question
16 on that.

17 **MR. WELLERT:** Yes.

18 **MS. MOORE:** With the gasoline fueling
19 vehicles that you're familiar with, would they be
20 able to navigate into the driveway that did not
21 exceed 30 feet in width at the point of intersection
22 with the street pavement?

23 **MR. WELLERT:** It would be extremely
24 difficult.

25 **MS. MOORE:** Would that pose a safety

1 hazard?

2 **MR. WELLERT:** It would.

3 **MR. KING:** Bob, according to the
4 plans, what is the width of the driveway on Kinsman
5 Road where it meets the pavement that is Route 87?

6 **MR. WELLERT:** I would say for both
7 driveways, 87 and 306, 90 feet as shown on this
8 plan.

9 **MR. KING:** So we would need to amend
10 our --

11 **MS. MOORE:** Before you go there. Is
12 it fair to say that Circle K has proposed the widths
13 of these driveways and seeks the variance in order
14 to ensure the safety of the vehicles coming into and
15 exiting the location for purposes of fueling?

16 **MR. WELLERT:** That is a correct
17 statement. As I mentioned before, we always show
18 the transport truck routing. This is a standard
19 practice of our design.

20 What I'd like to say -- this is not
21 specific to this project. If we can't have a safe
22 exit and entrance into the site, we can't build it.
23 It doesn't make sense for Circle K, it doesn't make
24 sense for me as a design engineer, it doesn't make
25 sense for the community. These driveways, the width

1 that we have found after designing many sites, is
2 that 40 feet is about the minimum, sometimes we've
3 been able to get a little less, but that really
4 depends on the width of the main arterial streets.

5 So this is where we started the truck
6 routing works. It appears safe to me. Ultimately
7 we will apply to Ohio Department of Transportation,
8 and the Ohio Department of Transportation has on
9 occasion asked me to revise driveway radiuses or
10 driveway widths to accommodate larger vehicles or
11 what they perceive as maybe a potential safety
12 issue.

13 **MS. MOORE:** Mr. King, did you have
14 something you wanted to say?

15 **MR. KING:** Yes. I want to move to
16 amend the subject variances to request 90 feet in
17 driveway width at the point where it meets the
18 pavement of Route 87 and 306.

19 **MS. MOORE:** I would make a motion to
20 the board that the bullet point variance request
21 number 516 and related to 6.5 F (5) and State Route
22 306 be amended to read requesting a 90-foot driveway
23 width off of State Route 36 in lieu of the 30-foot
24 maximum required per Section 6.5 F (5).

25 **MR. GOKORSCH:** Anyone second that?

1 **MR. BOUCHEK:** Before we do that, I
2 think you were under the impression that the
3 driveway width variance would require a 30-foot
4 driveway and you were asking for a 40-foot driveway.
5 That's what your lawyer was under the impression --

6 **MR. WELLERT:** Yeah.

7 **MR. BOUCHEK:** -- what the (inaudible)
8 says. Based on drawing 3 and based on the diagram
9 of your truck route, I see that it would be very
10 easy to get into a driveway that's 30 foot wide.

11 **MR. WELLERT:** But not if there's
12 another vehicle exiting at the same time.

13 **MR. BOUCHEK:** I understand that, but --

14 **MR. WELLERT:** Which trying -- I mean,
15 there are some sites -- I'll admit that we've
16 designed some that were tighter. I think I said
17 that earlier. Sometimes we had to go smaller, but
18 the desired design would be a customer exiting
19 wouldn't impede the transport on the main line. So
20 that transport truck can get off of the road, get
21 into the site without backing up traffic. So that's
22 the logic behind this design.

23 **MR. BOUCHEK:** Let me ask you another
24 question pertaining to the actual driveway width. A
25 40-foot curb cut is usually associated with maybe a

1 three lane entering and exit. Is that what you
2 might be proposing here?

3 **MR. WELLERT:** We didn't propose
4 striping on this. No, I wouldn't necessarily
5 propose a three lane enter and exit. I would
6 propose it to be an entry and an exit. I would like
7 to -- I'm open to some discussion about that, but as
8 designed now it's one way in, one lane out and the
9 extra width to accommodate the transport trucks.

10 **MR. BOUCHEK:** So going from -- let me
11 help you out there. But going back to my original
12 previous question, I still see that the trucks will
13 get -- your tanker will get in easily the 30-foot
14 curb cut. So, you know, is there any way I can talk
15 you into making that modification?

16 **MR. WELLERT:** I would be happy to do
17 this, but I'm not sure how we accommodate the
18 variance request, but --

19 **MR. BOUCHEK:** Before we make a motion,
20 I want to make sure that it's not really 90 feet,
21 maybe it's less.

22 **MR. WELLERT:** I can't answer as to what
23 that distance would be. We would be pleased to
24 reduce the width of the driveway such that it would
25 accommodate an exiting vehicle and an incoming

1 truck, and I think it can be less than the 40 feet
2 as shown. I'm pretty confident it can be a little
3 less than that, but I don't know exactly how much.

4 **MS. MOORE:** May I request that
5 Mr. King confer with his client the concern with
6 making modification to meet the spirit of our
7 resolution and to identify an appropriate width that
8 reflects safety?

9 **MR. GOKORSCH:** Yeah, that's the key.

10 **MR. KING:** Mr. Chairman, it will be
11 your call on safety.

12 **MR. DOWNING:** Mr. Chairman, I just want
13 to bring to your attention that one of your earlier
14 submittals we requested was the traffic study, which
15 Mr. King submitted earlier at the start of the
16 hearing, and what was surprising to learn there is
17 an issue of traffic crashes at 306 and 87.

18 The traffic study showed in 2013 there were
19 six, in 2014 there were five, in 2015 there were 17
20 and that's all the data -- the thing was done in
21 2017 and that's the data we have.

22 But one of their fixes is to extend the
23 left turn lane and that seemed to be a little
24 problem, and the distances that they're talking
25 about for westbound 87 at the intersection is going

1 from 170 feet existing to 350 feet, which takes it
2 past this point. I would think that if the Ohio DOT
3 has to approve what you plan --

4 **MR. WELLERT:** They do.

5 **MR. DOWNING:** -- I think that should be
6 the step that -- this is already a problem.

7 **MR. WELLERT:** Without advancing things
8 too far, we've had some communication with Ohio
9 Department of Transportation, and they have told us
10 that we have to conduct a traffic impact study. We
11 haven't completed that yet.

12 Again, as we proceed through this hearing,
13 if we can obtain a conditional use and variance
14 request, we ultimately need approval from ODOT for
15 the these driveways. They look at safety and they
16 have design standards for those.

17 ODOT's general driveway is less than 40
18 feet. We found 40 feet seems to be the right fit
19 for most gas stations. It works here. If I can
20 reduce it -- I won't make it larger than 40, but if
21 I can make it less than 40 and still accommodate
22 this transport truck with an exiting vehicle, I'm
23 more than happy to do that.

24 **MR. GOKORSCH:** I would suggest -- I
25 understand the concern of the board, but safety is

1 really the issue here. We're not so much interested
2 it's got to be 30 or 40, we're interested in safety.

3 **MR. WELLERT:** That's the logic behind
4 my design.

5 **MR. GOKORSCH:** It's going to be here for
6 a long time if it gets built.

7 **MR. WELLERT:** Right.

8 **MR. GOKORSCH:** And that's biggest
9 concern. Site lines also -- this is an intersection
10 as Bill points out there's been multiple accidents.
11 The site lines entering and exiting from this have
12 to be clear.

13 **MR. WELLERT:** Correct.

14 **MR. KING:** Couple things about the
15 accident report just having reviewed that. Some of
16 the expansion of the turn lanes was suggested as a
17 possible midterm solution, but I think they also
18 surmised in that report that it may have -- the
19 increase in the one year may have been due to
20 construction and other factors not reflected in
21 there, and they did talk about the open curb cut at
22 the Shell station as one specific concern.

23 But, Bob, I want you to just expound on
24 what you said about ODOT, because my understanding
25 is you're going to do a traffic impact study, and if

1 you don't get driveway permit approval, you don't do
2 the project; is that correct?

3 **MR. WELLERT:** That's correct. Legally
4 we couldn't proceed. So we need to obtain ODOT
5 approval. What we would undertake is to give them
6 these plans with a traffic impact study that's going
7 to be conducted by another firm that specializes in
8 traffic engineering and they would analyze the
9 operation of these driveways and this intersection
10 and satisfy whatever ODOT's requirements are for
11 this driveway.

12 Then assuming they're -- on occasion they
13 asked for other improvements, they might need a
14 ditch improvement or special curbing or who knows
15 what may come from that study, but we would have to
16 accommodate that to obtain permit. It's all in
17 regard to safety.

18 **MR. DOWNING:** Do they ever actually
19 request a turn lane?

20 **MR. WELLERT:** We have had instances
21 where we've had to construct turn lanes. It depends
22 on the project. A different division of Circle K in
23 Indiana we -- it widened the roadway and installed a
24 turn lane. I guess the volume of the site was such
25 that it, you know, was a project that was viable.

1 **MR. DOWNING:** Where does that leave us?

2 **MR. GOKORSCH:** I think that the request
3 here is for 90 feet at that curb versus 40 or --
4 versus 40 because that is what the drawing shows.

5 **MR. KING:** Correct.

6 **MR. GOKORSCH:** And I think we should
7 update the request to reflect exactly what the
8 drawing shows. ODOT is going to have to make sure
9 that that is the right width relative to safety.

10 **MS. MOORE:** I'll make a motion based
11 on applicant submission of plan drawing page 3 and
12 the testimony presented and request by Mr. King that
13 with respect to variance request number 516, the
14 bullet point referencing Section 6.5 F (5) and State
15 Route 306 be amended to read requesting a 90-foot
16 driveway width off of State Route 306 in lieu of the
17 30 foot maximum required per Section 6.5 F (5).

18 **MR. GOKORSCH:** Do you want to request
19 both changes?

20 **MS. MOORE:** As well as item 6.5 F (5)
21 regarding State Route 87, modifying it to read
22 requesting 90-foot driveway width off of State Route
23 87 in lieu of the 30 foot maximum required per
24 Section 6.5 F (5).

25 **MR. BOUCHEK:** I second.

1 **MR. DOWNING:** Are we going to maintain
2 the width inside, or do you want --

3 **THE NOTARY:** I'm sorry. I can't hear
4 you.

5 **MR. KING:** The plans will not
6 change. The plans will remain as they are. The
7 change is because there was a misunderstanding
8 regarding where the 40 feet had to be and it's where
9 it meets the pavement. Upon closer review of the
10 plans, Mr. Wellert has concluded that where the
11 driveway actually meets the pavement is 90 feet.

12 **MR. DOWNING:** I understand.

13 **MR. KING:** Is that --

14 **MR. WELLERT:** That's correct.

15 **MR. GOKORSCH:** You want to read that
16 motion back, please?

17 **MS. MOORE:** We actually had a second
18 on the motion. So I think we were at a point of
19 going -- unless someone needs to go back.

20 **MR. GOKORSCH:** In that case, all in
21 favor?

22 (Thereupon, the Board members answered in
23 the affirmative.)

24 **MS. MOORE:** My next question -- and
25 I'd like to go through each of these because I think

1 there may be some that need additional modification,
2 best to do it now.

3 **MR. WELLERT:** That's fine.

4 **MS. MOORE:** The next item is 6.5 F
5 (7), which reads all gasoline and fuel storage shall
6 be located not less than 50 feet from any property
7 line. The current request in variance number 516 is
8 requesting a gasoline and fuel storage of 10 feet in
9 lieu of 50-foot requirement in 6.5 F (7), as well as
10 a 10-foot east line in lieu of the 50-foot minimum
11 required per Section 6.5 F (7). Is that still what
12 your site plans indicate is being requested?

13 **MR. GOKORSCH:** For the fuel storage.

14 **MR. WELLERT:** Yes, yes.

15 **MS. MOORE:** My next question is: Can
16 we go to the sheet that shows the current site?

17 **MR. GOKORSCH:** We're looking at sheet
18 one here.

19 **MR. WELLERT:** Yes.

20 **MR. GOKORSCH:** Shane, we're at sheet
21 one.

22 **MS. MOORE:** I assume you're familiar
23 with the parcel that is currently owned by the
24 township on the corner?

25 **MR. WELLERT:** Yes.

1 **MS. MOORE:** And there were gas
2 storage tanks at the location, correct?

3 **MR. WELLERT:** I believe there were.
4 I'm not familiar with the whole history.

5 **MS. MOORE:** Would it be fair to say
6 that gas storage tanks were in a location that was
7 less than 50 feet from the parcels adjacent to it?

8 **MR. WELLERT:** Based on the dimensions
9 of that parcel, probably a pretty safe assumption.
10 I haven't seen the plan for --

11 **MS. MOORE:** I recognize that, but
12 based on your familiarity with the size of that site
13 and the dimensions of that site, are you comfortable
14 making a statement like that and attesting to that
15 or not? I just don't know.

16 **MR. WELLERT:** Do we have -- before I
17 state that, do we have any historical photos
18 available of that site?

19 **MR. GOKORSCH:** I do believe that any
20 time a gas tank is pulled out of the ground ODNR or
21 someone from the state has responsibility to make
22 sure they know where it's at, they know where
23 they're pulled from. I don't have access to that
24 data here, but I do know that data is available.

25 **MR. WELLERT:** I believe it is

1 available, and I think I may have seen an aerial
2 photo, historical like a Google image of the gas
3 station.

4 **MS. MOORE:** Let me ask it a different
5 way. Do you know what the frontage on that lot is
6 both Kinsman and Chillicothe?

7 **MR. WELLERT:** As labeled on Chillicothe
8 it's 95.7 feet, plus some portion of it radiates,
9 and 118.7 on Kinsman.

10 So based on the width of the underground
11 storage tanks, assuming there was probably more than
12 one tank, it's likely that they were closer to the
13 50 feet to a property line.

14 **MS. MOORE:** I understand you can't
15 state to a certainty.

16 **MR. WELLERT:** Pretty certain -- pretty
17 confident they were closer than 50 feet. It would
18 really be able to prove it with an historical image.

19 **MS. MOORE:** Thank you.

20 **MR. KING:** We're now on sheet 4.

21 **MS. MOORE:** Actually we're still
22 going through them, bear with me.

23 **MR. WELLERT:** We're looking at the
24 variances here.

25 **MR. KING:** Okay. Sorry.

1 **MS. MOORE:** Next item is request 516
2 requesting waste disposal facilities of 10 feet east
3 line in lieu of 50-foot minimum required per 6.5 F
4 (10). Is that consistent with the proposed plan?

5 **MR. WELLERT:** It is.

6 **MS. MOORE:** Next item, requesting
7 waste disposal facilities of 31.29 south line in
8 lieu of 50-foot minimum required per Section 6.5 F
9 (10). Is that consistent with the proposed plan?

10 **MR. WELLERT:** It is.

11 **MS. MOORE:** The next one is
12 requesting a side yard setback for buildings and
13 structures (building) of 1.5 feet in lieu of the
14 70-foot minimum required per Section 6.5 F (13). Is
15 that still consistent with the proposed plan?

16 **MR. WELLERT:** It is.

17 **MS. MOORE:** The next one is
18 requesting a side yard setback for buildings and
19 structures (canopy) of 45.5 in lieu of the 70-foot
20 minimum required per Section 6.5 F (13). Is that
21 consistent with proposed plan?

22 **MR. WELLERT:** Yes.

23 **MS. MOORE:** Requesting a perimeter
24 buffer east line of 10 foot in lieu of the 15-foot
25 minimum required per Section 6.5 F (11). Is that

1 consistent with the current proposed plan?

2 **MR. WELLERT:** Clarify, you said "east
3 line," correct?

4 **MS. MOORE:** I did.

5 **MR. WELLERT:** Yes, that's correct.

6 **MS. MOORE:** Next one is requesting
7 perimeter buffer north line 5 feet in lieu of the
8 15-foot minimum required per Section 6.5 F (11). Is
9 that consistent with the current proposed plan?

10 **MR. WELLERT:** Correct.

11 **MS. MOORE:** Next one requesting a
12 perimeter buffer south line of 1.5 feet in lieu of
13 the 15-foot minimum required per Section of 6.5 F
14 (11). Is that consistent with the current proposed
15 plan?

16 **MR. WELLERT:** It is, and to clarify
17 that's where the building would be close to the
18 township property at the corner.

19 **MS. MOORE:** On this next item we've
20 received testimony in the prior hearing that the
21 proposed frontage on Kinsman was 136.9 feet and the
22 proposed street frontage on Chillicothe was 170
23 feet. In light of that and given the current
24 proposed plan, do you want to modify the next bullet
25 point?

1 **MR. WELLERT:** What is the next
2 bullet -- what do you mean "next bullet point"?

3 **MS. MOORE:** The next bullet point is
4 plans indicate a road frontage of 165 feet on 306
5 and 130 feet on Kinsman per 6.5 F (4) 200 feet are
6 required.

7 **MR. WELLERT:** I don't see that on here.

8 **MS. MOORE:** There was testimony the
9 last time that Kinsman is 136.9, not 130, and
10 Chillicothe was 170, not 165.

11 **MR. KING:** We're going to look at
12 the survey. There's an alternate survey that was
13 done which we're going to introduce as well.

14 **MR. GOKORSCH:** While you're looking that
15 up, the north lot line you said there's a 5-foot
16 buffer between the structures and the lot line; is
17 that correct?

18 **MR. WELLERT:** That's correct. We're
19 maintaining 5 feet from the property line to the
20 curb.

21 **MR. GOKORSCH:** Okay. The structure
22 we're talking about is the curb, right?

23 **MR. WELLERT:** Correct.

24 **MR. GOKORSCH:** All right.

25 **MR. WELLERT:** Subsequent to making

1 application, Wellert Corporation had been working on
2 a lane survey to a part of the property, of course
3 it's so Circle K can acquire the property. That
4 survey is complete and I'll identify it as Exhibit
5 15. I'm going to look at that drawing.

6 There are three pages in this survey set.
7 The first sheet is the title sheet which has the
8 boundary descriptions for the parcels, it also
9 identifies encumbrances and other items related to
10 the survey. Encroachments -- there are a few
11 encroachments associated with these properties.

12 The second sheet is the actual survey. It
13 shows all of the buildings, the parking and drive
14 areas and the lawn areas and wooded areas,
15 identifies by bullet point encroachments and
16 easements that are on the property. I'm going to
17 focus on that sheet right now.

18 Per the survey, the frontage at the
19 centerline as measured on the centerline of Kinsman
20 is 136.91 feet, and there's a notation there that
21 says 136.91 is what was measured, deed of record
22 said it was 136.90. I may have to read the legal
23 description for the --

24 **MR. GOKORSCH:** You're saying the Kinsman
25 frontage is 136.91, correct?

1 **MR. WELLERT:** Correct.

2 **MR. GOKORSCH:**Do you have the frontage
3 on 306?

4 **MR. WELLERT:** I'm not seeing that on
5 the label. I may have to read the legal description
6 that's on the front page.

7 **MR. GOKORSCH:**Would this be a good time
8 to have a short break?

9 **MR. KING:** That would be great.

10 **MR. GOKORSCH:**I'd like to have a
11 motion.

12 **MR. DOWNING:** Okay. A short break.

13 **MR. GRASSI:** Second.

14 **MR. GOKORSCH:**Ten minutes, please.

15 (Thereupon, a recess was taken.)

16 **MR. GOKORSCH:**Please take your seat.

17 **MR. DOWNING:** Mr. Chairman, I'll move
18 we reopen the hearing.

19 **MR. BOUCHEK:** Second.

20 **MR. GOKORSCH:**All in favor?

21 (Thereupon, the Board members answered in
22 the affirmative.)

23 **MR. GOKORSCH:**Did we resolve the
24 question about the frontage?

25 **MR. WELLERT:** I have. I apologize for

1 that.

2 So the definition of frontage will have to
3 be determined by -- as measured on the centerline of
4 Kinsman, we have 136.91 feet, along the centerline
5 of Chillicothe we have 170.32, and that's identified
6 in the new -- the completed survey that we just
7 brought in this evening.

8 I'll add one more thing. Let me check, but
9 I believe those are very close to the dimensions
10 that we've had all along, within -- I'd say within
11 half foot of what we -- on 306 probably within a
12 half a foot of what we had in our original
13 application.

14 **MS. MOORE:** Mr. King, how would you
15 like to request that that item be modified?

16 **MR. KING:** I'm still trying to
17 figure out where the variance request is, or is it
18 just on the plans themselves?

19 **MS. MOORE:** I'll hand you mine.

20 **MR. KING:** Okay. So we would move
21 to add an additional variance from the road frontage
22 requirements, which are 200 feet pursuant to
23 Resolution Section 6.5 F (4) and ask for 136.91 feet
24 on Kinsman and 170.32 feet on Chillicothe.

25 **MS. MOORE:** Based on the applicant's

1 request, I'll make the motion to modify the bullet
2 point in variance request 516 in regard to
3 resolution 6.5 F (4) to read plans indicate a road
4 frontage of 170.32 on 306 and 136.91 on Kinsman per
5 6.5 F (4), 200 feet are required.

6 **MR. GRASSI:** I'll second it.

7 **MR. GOKORSCH:** All in favor?

8 (Thereupon, the Board members answered in
9 the affirmative.)

10 **MS. MOORE:** Next item is requesting
11 two ground signs, permitted one ground sign per
12 premises per Section 4.11 H[1a)] [sic]. Is that
13 consistent with the proposed plan?

14 **MR. WELLERT:** It is.

15 **MS. MOORE:** The last item is
16 requesting a wall sign of plus or minus 64 square
17 feet exceeding the 50-foot maximum per Section 4.11
18 H1(a1). Is that consistent with the proposed plan?

19 **MR. WELLERT:** Yes.

20 **MS. MOORE:** And, Mr. King, did you
21 have another item to request be added to the
22 variance?

23 **MR. KING:** Yes. We withdrew the
24 bullet point requesting a variance of maximum lot
25 coverage pursuant to Zoning Section 5.31 H and we

1 need to add in its place or in addition to what we
2 have currently a maximum lot coverage variance
3 requesting a 70 percent variance from zoning code
4 Section 5.3.1 M.

5 **MS. MOORE:** Based on Mr. King's
6 request, I'll make a motion that the new item be
7 added to variance request number 516, which reads
8 requesting 70 percent lot coverage in lieu of 40
9 percent maximum required per Section 5.3.1 M, as in
10 Mary.

11 **MR. BOUCHEK:** Second.

12 **MR. GOKORSCH:** All in favor?

13 (Thereupon, the Board members answered in
14 the affirmative.)

15 **MR. GOKORSCH:** I want to make sure while
16 we're looking at this plan to go to number 3,
17 please, for us. Please go to 3. I want to be clear
18 because it may have been confusing. We talked about
19 the 5-foot clearance on the north side. We are
20 talking about the clearance to the curbing, not the
21 45.5-foot clearance to the canopy; is that correct?

22 **MR. WELLERT:** Correct.

23 **MR. GOKORSCH:** On the eastern edge,
24 we're talking about 10-foot clearance. In that case
25 we're talking about a 10-foot clearance to the

1 enclosure, the masonry enclosure for the garbage
2 bins; is that correct?

3 **MR. WELLERT:** That's correct.

4 **MR. GOKORSCH:** When we talk about the
5 1.5-foot clearance on the south edge of the
6 building, we're talking about that's the clearance
7 to the empty lot that the township owns; is that
8 correct?

9 **MR. WELLERT:** Correct.

10 **MR. GOKORSCH:** To the lot side, side
11 lot, right?

12 **MR. WELLERT:** That's correct.

13 **MR. GOKORSCH:** I want to make sure for
14 the record we're clear about what those are to
15 delineate.

16 **MR. WELLERT:** Right.

17 **MR. KING:** Bob, you were previously
18 looking at Exhibit 15, and that is a true and
19 accurate copy of the office survey performed by your
20 company; is that correct?

21 **MR. WELLERT:** Correct.

22 **MS. MOORE:** Just real quickly one
23 other minor item. The waste storage, is it adding
24 height greater than 6 feet as proposed?

25 **MR. WELLERT:** As I look through the

1 details, I guess I'll just add that that height --
2 we have some --

3 **THE NOTARY:** I'm sorry. Louder,
4 please?

5 **MR. WELLERT:** We have the liberty to
6 vary that height if needed, but as proposed today,
7 it is 8 feet.

8 **MR. GOKORSCH:** I have a question about
9 the signs also. Aside from the larger 50-foot
10 signs, the two street signs, will those be
11 conforming to the street sign requirements for the
12 township?

13 **MR. WELLERT:** I need to pause for just
14 one moment.

15 **MR. GOKORSCH:** For the record the
16 question was whether or not the two street signs
17 proposed will conform to our street sign
18 requirements. I'm assuming they are lighted
19 signs --

20 **THE NOTARY:** Say that last part.

21 **MR. GOKORSCH:** Lit signs, lighted signs.

22 **MR. WELLERT:** There's a lot of internal
23 discussion about signage.

24 Go ahead and state what you were saying.

25 We're a little confused as to how the variance

1 request for signage came about. I don't recall
2 identifying the need for sign variance, but if we
3 have to address sign variances, along with all of
4 these, then we don't have enough information to
5 answer that right now but --

6 **MS. MOORE:** So on sign variances,
7 those are two of the bullet points we just covered.

8 **MR. WELLERT:** But where did they come
9 from?

10 **MS. MOORE:** From you.

11 **MR. WELLERT:** How were they generated?

12 **MS. MOORE:** From you.

13 **MR. WELLERT:** I don't recall that.

14 **MS. MOORE:** So the application that
15 was submitted appears to include a request on two
16 ground signs and a wall sign.

17 **MR. WELLERT:** We don't show those on
18 our plans. I just don't recall, like, nothing in
19 area summary for those and the square footage.

20 **MS. MOORE:** So on the waste issue --
21 so I'm looking at Resolution Section 6.5.J on Retail
22 Food Service. So it's 6.5.J 6f, and it speaks to
23 exterior waste storage areas shall be accurately
24 indicated on the site plan and shall be located
25 behind the principal building on the lot. So does

1 that plan it's behind the principal building on the
2 lot?

3 **MR. WELLERT:** It is not.

4 **MS. MOORE:** Okay. "The type and
5 volume of waste materials to be stored shall be
6 stated. The frequency of removal shall be
7 appropriate for the type of waste materials
8 generated. Waste storage areas shall be screened
9 from view by means of walls, fences, landscaping, or
10 shrubbery with year-round foliage of sufficient
11 height to conceal them. Waste shall not be stored
12 at a height greater than 6 feet."

13 So my question would be whether your
14 request for a variance accurately reflects what's
15 needed relative to this resolution in terms of
16 variance, and, if not, what modifications you would
17 request the plan to request?

18 **MR. WELLERT:** I'll address the things
19 that I know we -- I can answer here.

20 It is not behind the principal building in
21 the lot. I didn't feel it appropriate to put it on
22 the street side of the project, so we located it
23 on -- near the east property side. The focal point
24 of the project would have been 306.

25 **MR. KING:** Just for my

1 clarification, on the original plans was it in that
2 same spot?

3 **MR. WELLERT:** I don't recall.

4 **MR. KING:** Okay. So in answer to
5 your question, we're going to have to ask for an
6 additional variance, and I think you have to decide
7 whether you need 8 feet or 6 feet in height.

8 **MR. WELLERT:** I was going to address
9 that.

10 So trash not stored higher than 6 feet.
11 This is a masonry wall enclosure. The dumpsters
12 themselves are 4, 5 feet tall and they're inside of
13 this enclosure. The trash would not be stored above
14 that height, and if we go over 8 feet just to make
15 sure that there's no screening from other elevation
16 considerations.

17 **MR. KING:** Over 6 feet.

18 **MR. WELLERT:** We've designed enclosures
19 that were 6 feet high.

20 **MS. MOORE:** As I understand it, you
21 don't need a variance on that particular piece
22 because you -- your current proposed plan is waste
23 will not be stored at a height greater than 6 feet.

24 **MR. WELLERT:** Correct, correct.
25 There're screened from view. Again, the waste --

1 the dumpsters are screened by an enclosure, which is
2 a masonry enclosure additionally, and the
3 landscaping plan which is sheet number -- it's
4 included in this set, probably sheet 5. We have
5 landscaped around the masonry enclosure so the trash
6 will be screened. I don't feel I need a variance
7 for that.

8 The type and amount of waste materials I
9 probably would need to confer with Circle K, but
10 it's generally packaging materials, maybe cups from
11 the store. That's the primary type of waste
12 material.

13 The frequency of removal I'm not sure. We
14 would have to check with the local trash to see how
15 often it's -- they come for pickup.

16 I wouldn't propose a variance requesting
17 (inaudible) it's a matter (inaudible) as to whether
18 it's a variance or not.

19 **MR. KING:** We need a variance from
20 the location.

21 **MR. WELLERT:** Right, we need a --
22 right, a variance on the location.

23 **MS. MOORE:** Mr. King, do you have a
24 request?

25 **MR. KING:** Yes. Circle K would move

1 to request an additional variance permitting the
2 waste storage structure to be located in the front
3 of the building as shown on the plans, which would
4 be a variance from the provisions of zoning
5 Resolution Section 6.5.J 6f, as in Frank.

6 **MR. GOKORSCH:** Is there any other
7 location that that masonry enclosure could be put
8 here on this property which wouldn't be so close to
9 the public thoroughfare?

10 **MR. WELLERT:** We asked that question in
11 internal conversation I had in my office. We
12 settled on this location as being the fallback spot.
13 I don't know of a better location that wouldn't
14 somehow impact the site layout negatively.

15 A location that came to mind was possibly
16 putting the trash enclosure in the northeast corner
17 of the property. That would interfere with where we
18 currently have the storage tanks and it would move
19 them closer to a roadway or potentially closer to
20 the east property line.

21 Additionally, if we did that, the transport
22 truck is closer to that driveway. I felt that that
23 trade would be less beneficial. Just to move the
24 trash enclosure to the northeast corner was --
25 didn't seem beneficial to me. It seemed like

1 keeping the tanks further from the road and out of
2 harm's way, if you will, from transport truck
3 blocking traffic. This is where we settled.

4 The other alternate, like, route if the
5 trash enclosure is behind the building, then the
6 trash enclosure would be prominently displayed on
7 the 306 frontage.

8 **MR. GOKORSCH:** I wanted to know whether
9 you looked at that northeast corner? That seemed to
10 be the other place you could put it.

11 **MR. WELLERT:** We did, and I considered
12 it and just personally felt it wasn't quite the
13 trade I wanted to make.

14 **MR. GOKORSCH:** Okay. Can we get back to
15 the signage issue here?

16 **MS. MOORE:** Can we complete that
17 circle? So, Mr. King, I didn't catch, what is this
18 labeled, exhibit?

19 **MR. KING:** Nine.

20 **MS. MOORE:** I'll make a motion that
21 we accept the applicant's request to add to variance
22 request number 516 a bullet item reading:
23 Requesting variance to permit exterior waste storage
24 area be located at proposed on page 6 of applicant's
25 Exhibit 9 in lieu of the location required per

1 Section 6.5.J 6f, as in Frank.

2 **MR. WELLERT:** I'm not sure if you have
3 the page number correct.

4 **MR. GOKORSCH:**I think it's page 3.
5 Someone want to second?

6 **MR. GRASSI:** Second.

7 **MR. GOKORSCH:**All in favor?

8 (Thereupon, the Board members answered in
9 the affirmative.)

10 **MR. GOKORSCH:**I'd like to address the
11 signage issue once again. Our concern is, of
12 course, the township is kind of particular about
13 huge signs and --

14 **MALE SPEAKER:**Mr. Chairman, point of
15 order, we're having trouble hearing all of you up
16 there because none of you are speaking directly into
17 the microphone.

18 **MR. GOKORSCH:**Thank you, sir.

19 **MALE SPEAKER:**I'm a resident of the
20 township, and on behalf of everybody that's here, we
21 would appreciate to hear everything that you're
22 saying up there and that's not the case because none
23 of you are speaking -- except the lady at times is,
24 they're not speaking directly into the microphone.
25 Thank you very much.

1 **MR. GOKORSCH:** Thank you. The question
2 I was asking is relative to signage, and I was
3 stating that the township is particular about our
4 signage, particularly signs with lights that are
5 going to be seen at quite a distance, and so the
6 question is: Would the signage be conforming to our
7 requirements.

8 **MR. WELLERT:** I can't answer that right
9 now. I need -- we need either another night to
10 continue that discussion or a separate application
11 if a variance were deemed necessary by Circle K.

12 **MR. GOKORSCH:** Thank you. Thank you.

13 **MR. KING:** Is that sufficient? I
14 mean, does that answer your question?

15 **MR. GOKORSCH:** It does. If there's no
16 answer at this time, there's no answer at this time.
17 That's --

18 **MR. KING:** There is a variance
19 request in front of you for two signs.

20 **MS. MOORE:** Yes, there is. Actually
21 it's a request for three signs.

22 **MR. KING:** Okay. Bob, I think we
23 were going through the plans and you were pointing
24 out all the different changes from the previous set
25 of plans and we're now on the sheet 4. So you take

1 over.

2 **MR. WELLERT:** Sheet 4 is just an
3 overlay. It is sheet number 3 on top of an existing
4 aerial photo just for point of reference in case
5 anyone wanted to know where the fueling tank is in
6 relation to the existing bank, if they wanted to
7 know where the proposed Circle K store is in
8 relation to other buildings or structures on-site.
9 So you can see that on sheet number 4.

10 The changes that are listed on sheet 4 are
11 the same that occurred to sheet 3.

12 **MR. GOKORSCH:**Any comments on sheet 4?

13 **MR. WELLERT:** Sheet number 5 is a
14 landscaping plan. There were no changes to the
15 landscaping itself, but the same text changes are --
16 the changes that I identified on sheet 3 and 4 are
17 reflected on sheet number 5. The landscaping plan
18 stands as submitted earlier.

19 **MR. GOKORSCH:**Any questions on the
20 landscaping?

21 **MR. DOWNING:** No.

22 **MR. WELLERT:** Sheet 6 we simply revised
23 the scale of the drawing. The information remains
24 the same.

25 **MR. GOKORSCH:**Any questions on the

1 sheet 6?

2 **MR. DOWNING:** No.

3 **MR. WELLERT:** Sheet 7, it's the same.

4 We revised the scale, but the information on the
5 plan remained the same.

6 **MR. GOKORSCH:** Any questions on 7?

7 **MR. DOWNING:** No.

8 **MR. WELLERT:** Sheet 8 seems to have
9 changed significantly. This is our variance request
10 plan. I can identify what we changed on the sheet,
11 but I'm not sure if it even corresponds to some of
12 the things we talked about tonight because we've
13 removed a couple of variances and added a couple
14 others.

15 **MR. GOKORSCH:** Does it appear the table
16 there, the item numbers called out needs to be
17 updated?

18 **MR. WELLERT:** That needs to be updated
19 now to reflect what's happened in this evening's
20 meeting.

21 **MR. KING:** Bob, were there any
22 changes to that table from the previous plans?

23 **MR. WELLERT:** No. And that's a good
24 question. From what we had submitted, I think it
25 was the October meeting, that table is the same.

1 The changes that are reflected on sheet 8 in the
2 revision block again are the same things that were
3 on sheet 3 and 4 where we removed bollards, made
4 sure the lighting corresponded, but these are the
5 same as -- the variances are the same.

6 Sheet 9 is the trash enclosure plan and
7 detail. There were no changes to that.

8 **MR. GOKORSCH:** For the record just to
9 clarify, the trash enclosure is still specified as 8
10 feet tall; is that correct?

11 **MR. WELLERT:** Correct. I don't see why
12 we need -- we won't store trash height at 6, we're
13 just providing screening around it that's taller
14 than that.

15 **MR. KING:** But the enclosure has to
16 be 6 feet or less.

17 **MR. WELLERT:** No. The trash can't be
18 thrown higher than 6 feet, we are just building a
19 screening that's slightly higher than that.

20 **MR. KING:** Okay.

21 **MR. WELLERT:** This is -- this is a new
22 plan. This is the floor plan called Option D, and
23 it reflects the current dimensions of the building
24 and should be harmonious with the following building
25 elevations.

1 **MR. GOKORSCH:** If I would note on this
2 point here, if we go back to A1-01, near the walk-in
3 cooler, there's an area that says "Propane" and
4 there's also a little bit of a structure that looks
5 like it comes outside the perimeter of the building,
6 what is that?

7 **MR. WELLERT:** These?

8 **MR. GOKORSCH:** Right here.

9 (Indicating.)

10 **MR. WELLERT:** These are like a
11 pilaster. You will see those in the front elevation
12 of the building. It's masonry, it's not a storage
13 area, not accessible, an architectural feature.

14 **MR. GRASSI:** What did you call that?

15 **MR. WELLERT:** What's the appropriate
16 term?

17 **MR. BOUCHEK:** Piers.

18 **MR. WELLERT:** Piers. It's just a
19 masonry pier on the face of the building.

20 **MR. GOKORSCH:** What's the area that's
21 marked "Propane"?

22 **MR. WELLERT:** Those are -- those are
23 typically outside sales items, a propane storage
24 rack for your home grill.

25 **MR. DOWNING:** I have one question from

1 a safety point of view. From a safety point of
2 view, we have one double door coming in on the pump
3 side facing the cars and we have a single door on
4 the north side from -- is that big enough if there
5 was an accident and some need to evacuate quickly?
6 Is there a standard for that?

7 **MR. WELLERT:** I'm not the designer of
8 the building, but these plans will certainly be
9 reviewed by the building department. These are
10 plans that will have to meet any safety and building
11 codes.

12 There's actually another door on the front
13 face of the building if you can see it, front side
14 of the building towards the left. So there are
15 total of three entry and exit points on this one.

16 A4-01 and A4-02 complete the -- well,
17 complete the building plans and those are the
18 building elevations. Those are new -- new drawings.

19 **MR. GOKORSCH:** Okay. I do -- I do have
20 a question relative to the buildings themselves.
21 The elevations don't show anything protruding above
22 the top line of these elevations. Will there be
23 something higher than that, air handlers, coolant
24 towers; I don't know? Is this the way it's going to
25 look or will there be something else?

1 **MR. WELLERT:** We have a -- well, I want
2 to answer this properly. I'm thinking about it.

3 There are rooftop units. To my knowledge
4 those are below the parapet of this building. If
5 for some reason they're not, we'll extend the
6 parapet to make sure the top of the parapet is at
7 least as high as any rooftop unit.

8 The reason I answer is that way is I don't
9 know the design of the specific rooftop units right
10 now. Other locations we've made sure that that
11 parapet is at least as high as any projecting unit
12 on the building.

13 So I guess thinking about it the answer is
14 nothing will extend beyond the top of that parapet
15 wall.

16 **MR. GOKORSCH:** Just make sure we're
17 clear here. So visually if you were to look at this
18 building, this is what you would see?

19 **MR. WELLERT:** That's correct. That's
20 correct.

21 **MR. KING:** Bob, for the audience,
22 these are the drawings that are being looked at,
23 correct?

24 **MR. WELLERT:** Correct.

25 Mr. King's holding the front face that

1 would face the dispensers, that's the east wall of
2 the building.

3 **MR. KING:** North wall.

4 **MR. WELLERT:** That's the north wall.
5 South wall which would face State Route 87 and the
6 west wall facing State Route 306.

7 **MR. GRASSI:** Can we look at what you
8 pointed out?

9 **MR. GOKORSCH:** Couple of things I'd like
10 to note here relative to visual impact here. On the
11 exhibit, just note the parapet will be extended to
12 make sure that sight lines are not corrupted. I
13 also think that this -- there's a Circle K sign
14 right in the middle of the west elevation. Is that
15 planned to be lit?

16 **MR. WELLERT:** Generally that would be
17 illuminated, yes.

18 So you asked me to note that on the plan,
19 the parapet to extend them up?

20 **MR. GOKORSCH:** On your submittal, make
21 sure it's noted that -- sign and date it that the
22 parapet will be extended to hide the visual impact
23 of any air handlers or cooling towers or -- I don't
24 know what else, antennas.

25 **MR. WELLERT:** We'll say any roof

1 modifications.

2 I made that notation on sheet A4-01, signed
3 and dated it.

4 One of the things I'll add -- I don't know
5 if this should be an exhibit or not, this is just
6 simply a Google street view search that I performed
7 and then printed, and it's the front face of the
8 existing -- I guess this is the police station and
9 fire building.

10 I think you will see some resemblances to
11 this architectural style with a gable on the front
12 face and the lighter band of masonry through the
13 building then tried to carry over into this building
14 a little bit.

15 **MR. GOKORSCH:** Dave, can the board see
16 that?

17 **MR. KING:** Yes, I am marking it
18 right now.

19 **MS. MOORE:** If I can sneak a question
20 in here. Is there any proposed exterior (inaudible)
21 by Circle K that it wants considered in conjunction
22 with this variance on the conditional use permit?

23 **MS. VAN DE KAMP PEET:** No.

24 **MS. MOORE:** Thank you.

25 **MR. KING:** So, Bob, you provided

1 pictures marked as Exhibit 18. Those are pictures
2 of the township?

3 **MR. WELLERT:** Correct, correct, just
4 north of where we are now.

5 **MR. KING:** Okay.

6 **MR. BOUCHEK:** I have a couple questions
7 about the elevations. The south elevation and the
8 west elevation it appears, based on the floor plan
9 and the windows that are on these two elevations,
10 those are fake windows?

11 **MR. WELLERT:** They are.

12 **MR. BOUCHEK:** How are they going to be
13 treated? Are they going to be blacked out or how do
14 you do that?

15 **MR. WELLERT:** Well, I don't have an
16 exact answer right now because we've -- the
17 architect is not present, but generally I think they
18 have, you know, a glazed window and a black surface
19 behind it to be -- to appear as a window, but you
20 couldn't see through it.

21 **MR. BOUCHEK:** So you don't know if it's
22 going to be standard glass or need to be blacked
23 out?

24 **MR. WELLERT:** There's a notation, see
25 if this helps you at all, on the south elevation

1 storefront, tempered safety glazing. It would be in
2 the lower -- there's a note right --

3 **MR. BOUCHEK:** I saw that.

4 **MR. WELLERT:** That's the best I can
5 answer. I can give it to you full size so you can
6 read it on this sheet.

7 **MR. BOUCHEK:** Another question
8 pertaining to the west elevation, which faces 306
9 from the standpoint of the quality of the materials,
10 is there any way we can get the stone to go all the
11 way around the building especially facing the
12 street? Is that something you might want to
13 discuss?

14 **MR. WELLERT:** I think we would like to
15 discuss that. There's obviously cost involved in
16 all of these things. I guess I'd say we won't rule
17 out an opportunity to do that.

18 **MR. ISKI:** So would that replace the
19 windows?

20 **MR. BOUCHEK:** No, in lieu of the
21 masonry, just carry the consistency of the stone all
22 the way around the building.

23 **MR. GOKORSCH:** Currently, unless there's
24 decorative stone at the end of the building --

25 **MR. ISKI:** I see. So just continue

1 this same design?

2 **MR. BOUCHEK:** Can we note on the
3 exhibit there that on elevations -- north elevation,
4 the east elevation and the south elevation the stone
5 will carry?

6 **MR. WELLERT:** So to be clear, the stone
7 masonry would be on the south and west elevations.
8 So both road fronts at least.

9 **MR. BOUCHEK:** Yes.

10 **MR. WELLERT:** I'm going to strike --
11 I'm looking at south elevation. There's a notation
12 with a leader that says "split face block," I'll
13 make this -- change this to stone masonry, the same
14 with the west elevation.

15 **MR. KING:** So the record will
16 reflect that sheet A4-02 has been revised to provide
17 for stone masonry in place of the split face block
18 as requested.

19 **MR. WELLERT:** Were you asking on north
20 elevation also?

21 **MR. BOUCHEK:** Yeah, if that's possible.

22 **MR. WELLERT:** We might as well carry it
23 to all sides.

24 **MR. KING:** Are you okay with that?

25 **MR. ISKI:** (Nodding head up and

1 down.)

2 **MR. KING:** Same changes have now
3 been made to sheet A4-01.

4 **MR. WELLERT:** Okay.

5 **MR. KING:** Any more questions on the
6 elevation?

7 **MR. GOKORSCH:** I have a question on the
8 west elevation and the south elevation relative to
9 the lighting. Is there any lighting proposed on the
10 outside of the building on these two elevations? I
11 don't see it on the pictures.

12 **MR. WELLERT:** The answer is yes, there
13 are wall units proposed and they're indicated on the
14 lighting plan, I think. I can't attest to this, but
15 I think we've got a black box shown on the west
16 elevation above the windows.

17 I'll have to check the lighting plan, but
18 I'm thinking that indicates a wall unit there. I
19 would have to -- I'm not sure of these elevations
20 identified by the wall units, but the lighting plan
21 does.

22 **MR. GOKORSCH:** The concern, of course,
23 if there's lights on the walls high on those
24 elevations it's going to really stand out on the
25 street.

1 **MR. WELLERT:** So your concern is that
2 it would stand out? These are down -- these are
3 mounted on the sides and meant to project down, wash
4 the face of the building. They're flush mount
5 light.

6 **MR. GOKORSCH:**My concerns is that the
7 lighting would be projected to the street.

8 **MR. WELLERT:** It is not projected to
9 the street. These are to shield down. I'll show
10 you the unit -- yeah, there's a -- if you can see in
11 our lighting plan. There's a typical wall unit
12 where they wash the face of the wall but they don't
13 project out to the road.

14 **MR. GOKORSCH:**Thank you.

15 I'm making an assumption the lighting will
16 be dawn to dusk?

17 **MR. WELLERT:** Dawn to dusk? Yes,
18 dusk --

19 **MR. GOKORSCH:**Dusk to dawn.

20 **MR. WELLERT:** Yes.

21 **MR. KING:** Sheet A4-03.

22 **MR. WELLERT:** A4-03 is very similar to
23 what we submitted before. I don't think there were
24 any changes to this. We didn't note any. I think
25 it's the same plan. If you note a change, I

1 apologize. The only thing that I could think of is
2 possibly an ID logo on the end of the canopy, but
3 the canopy size, the brick wrap on the columns is
4 still the same, canopy construction is all the same.

5 **MR. GOKORSCH:** Are there any other
6 lights on the canopy besides the down lights for the
7 pumps?

8 **MR. WELLERT:** There are a couple of
9 lights, and I'll get to those in the lighting plan.

10 **MS. MOORE:** Before we get there, I
11 note that, Mr. King, if you're keeping track, A4-03,
12 the two signs that are on the pumps are not subject
13 to any variance (inaudible.)

14 **MR. KING:** Above the pumps?

15 **MS. MOORE:** Correct.

16 **MR. KING:** Okay. Thank you.

17 Our next would be the lighting plan, but I
18 have to ask --

19 **MR. BOUCHEK:** Before you move on, I
20 have a quick question about pier underneath the
21 canopy. Is it intended to be the same brick as on
22 the building? I'm assuming it is just for the
23 record.

24 **MR. WELLERT:** It is. As far as I'm
25 aware, it's the exact same material as the building.

1 **MR. BOUCHEK:** Okay. Thank you.

2 **MR. KING:** Mr. Cox has informed me
3 he has a flight tomorrow morning early and he has to
4 get back to Columbus. So I'd just like him to
5 authenticate his exhibit, which is his statement
6 regarding the water aquifer. If there are going to
7 be questions, that he address them now so he can get
8 going.

9 Mr. Cox, I'm handing you what has been
10 marked as Exhibit 17. Is that your handwriting?

11 **MR. COX:** It is, it is.

12 **MR. KING:** Is that your signature?

13 **MR. COX:**Yes, that's my signature.

14 **MR. KING:** And this is your
15 statement to the BZA representing your opinion that
16 the existing water aquifer is sufficient to support
17 the proposed use?

18 **MR. COX:**It is.

19 **MR. KING:** I would offer his signed
20 statement open up the floor to any questions of
21 Mr. Cox so he can leave. I apologize for going out
22 of order, but he needs to get back to Columbus.

23 **MR. GOKORSCH:**Well, can we have a
24 motion to --

25 **MS. MOORE:** Make a motion to open the

1 meeting to public comment.

2 **MR. GRASSI:** Second.

3 **MR. GOKORSCH:** All in favor?

4 (Thereupon, the Board members answered in
5 the affirmative.)

6 **MR. GOKORSCH:** Anyone that has a
7 question regarding the water or hydrology, would you
8 please -- remember, identify yourself, your name and
9 your address.

10 **MR. GOODWIN:** I'm Carl Goodwin, 8529
11 Silver Creek Drive. I did take an oath. And --

12 **MR. KING:** Can you spell your name
13 for the --

14 **MR. GOODWIN:** G-o-o-d-w-i-n, and Carl
15 with a C, not a K.

16 And do you have any figures like the gallon
17 consumption or something -- the gallon consumption
18 of nearby neighbors and -- what the new construction
19 will add over a certain period of time?

20 Obviously it's going to increase because
21 that's what you're -- that's the reason you're
22 there, you're increasing business, you know, we all
23 do that in our own businesses, but how much is the
24 question.

25 **MR. COX:** Right now there's three

1 wells on that same property. So those three wells
2 will go away and be replaced by one well. But the
3 consumption is going to be similar to just a regular
4 commercial building mostly for toilets and those
5 kind of things. It's not going to be a lot of
6 consumption like a car wash consumption or anything
7 like that.

8 Are you concerned about your own well?

9 **MR. GOODWIN:** Yes, and myself and my
10 neighbors. And we're on Silver Creek, which is
11 really walking distance from here. It's down --
12 you're right, I'm wrong.

13 **MR. GRASSI:** No, no, he is looking
14 this way.

15 **MR. GOODWIN:** I think we'll all feel
16 more comfortable if you can give us a gallon, you
17 know, clarify it.

18 **MR. COX:** The gallons that were
19 proposed were 3,500 gallons per day, which would be
20 from the book -- the Ohio EPA or whatever. I think
21 the actual consumption based on uses at other Circle
22 K is less than 3,000 gallons --

23 **THE NOTARY:** I'm sorry. Is less than?

24 **MR. COX:** 3,000 gallons a day or
25 somewhere in that ballpark.

1 **MR. WELLERT:** 3,500.

2 **MR. COX:**And if you -- if you live
3 at the southwest quadrant of 306 and 87, those --
4 you're in the Pottsville Sandstone which is well
5 above the grid. So you have a 100-foot difference
6 between your wells and the Berea. If they pumped
7 from the Berea, your wells won't ever see effects
8 from that.

9 Then most of the Berea wells lay kind of
10 diagonally across going from the northwest to the
11 southeast -- let me get my map.

12 **MS. GOODWIN:** I'm on the southeast
13 corner.

14 **MR. GOKORSCH:**Is there an exhibit that
15 we should put up to show people what you're talking
16 about while you're doing that?

17 **MR. COX:**Yes, there's an exhibit
18 that I don't have the number, but it's that one --
19 the map that I had earlier.

20 This quadrant in here, that's the ones that
21 are in the Pottsville, they're in the red, and those
22 wells are all 50 feet or less generally. And so
23 there's 100 foot of difference between that and the
24 Berea. The Berea wells are in black through here,
25 and then these are wells that are in (inaudible) of

1 Lake County.

2 **MS. CARROLL:** Where? Which area is due
3 east of the (inaudible) down the slope before the
4 high tension lines?

5 **MR. KING:** Did you identify yourself
6 for the court reporter?

7 **MS. CARROLL:** I'm Sarah Carroll, 8584
8 Kinsman.

9 **MR. GOKORSCH:** Did you hear her?

10 **THE NOTARY:** Yeah.

11 **MR. GOKORSCH:** Have you been sworn in?

12 **MS. CARROLL:** Pardon?

13 **MR. GOKORSCH:** You've been sworn in,
14 correct?

15 **MS. CARROLL:** It's a mutual concern
16 situation. I also have a pond which is fed by the
17 road and the culvert running down the hill.

18 **MR. COX:** What we've seen, most
19 of these wells that are in here have been in here
20 for -- since the '50s and '60s and '70s. So they
21 have been around for a long time.

22 **MS. CARROLL:** Correct.

23 **MR. COX:** Your effects on your
24 wells aren't affecting any of your neighbors' wells,
25 and that would be similar to the well that's going

1 to be at the Circle K. There's not going to be
2 that much difference in water takedown. And the
3 effects -- everybody within the Berea should be
4 okay, it's just not going to be that much water
5 taken out by that well.

6 **MS. CARROLL:** I personally wouldn't
7 take out.

8 **MR. GOODWIN:** I have one more question,
9 and that is your restrooms, how is the -- are you
10 going to have septic tanks or what?

11 **MR. KING:** That's not a question --

12 **MR. COX:** That's not a question for
13 me. I'm just trying to figure out if there is
14 enough water.

15 **MR. GOKORSCH:** The site has sanitary
16 sewers.

17 **MR. GOODWIN:** What's that?

18 **MR. GOKORSCH:** It has sanitary sewers.

19 **MR. RISTAU:** My name is Tim Ristau. I
20 live at 7705 Deerfoot Trail. I've been a resident
21 here for almost 40 years. One thing I think
22 everybody needs to take into consideration is the
23 fact that not too many years ago this whole corner
24 had more water being drawn from it than what we're
25 concerned about perhaps today.

1 We had a BP station that was there, we had
2 an active bank that was there, we have the Circle K
3 that is still there, we had the vet clinic that was
4 there and there was also a salon that was there. So
5 I don't know what the actual water usage was when
6 all of these businesses were in effect, but we're
7 not talking about anything probably much different
8 than what was previously here. And as the well logs
9 indicate and as this gentleman has indicated by the
10 one graph that he showed us, the average water level
11 here has remained basically the same because the
12 recharging is taking place.

13 So we get weather like we're having right
14 now -- I mean, I like to see the ground unfrozen
15 because when all that snow lays on it, it's going to
16 feed my well which is 200-some feet deep. So I'm
17 not worried about it.

18 Now, I used to live on Hemlock Point Road,
19 lived there for 17, 18 years. I lived there during
20 two years in a row of drought in the '70s, early
21 '80s. I don't remember the exact years. Our water
22 level never went down, never. We never had a
23 problem there. You may have, but most of us didn't.

24 So I'm not too concerned about the water
25 that's going to be drawn here now because I think

1 it's not going to be much different than what was
2 being drawn 10, 15 years ago when all of these
3 business were active up here.

4 **MS. TKACZ:** But I think there's a
5 difference between --

6 **MR. GOKORSCH:** Hold on, please.

7 **MR. RISTAU:** And I should say I was
8 sworn in, yes.

9 **MS. TKACZ:** I was sworn in, Sharon
10 Tkacz. The water usage does not matter as much as
11 the aquifer it's coming from. So the well that --
12 the wells that were in the bank and salon and the
13 vet and all those, those were probably shallower
14 than the well that you're going to dig. How deep is
15 the well that's going to be dug and which aquifer is
16 it going to come from?

17 **MR. GOKORSCH:** I have to ask you a
18 question: Do you have knowledge of how deep the old
19 wells were?

20 **MS. TKACZ:** No, I don't, but I don't
21 think gallons per hour is the issue, I think the
22 issue is which well is it coming from.

23 So if the new well that you're going to dig
24 is going to be very deep and those other ones are
25 shallow, then you're going to be drawing from

1 different aquifers than was in the past. How deep
2 is the well going to be?

3 **MR. COX:** So the -- the depth to
4 the top of the Berea is around 150 feet and the
5 wells that are in the same lots, the vet one, the
6 one at the administration building, all of them that
7 are up there as black on that figure are all Berea
8 Sandstone wells.

9 So it will be similar as the wells that
10 were here before. And, again, everybody that has a
11 black dot, their well is a Berea well, they're all
12 about 150 feet deep. It's going to be the same
13 aquifer.

14 **MR. KING:** Board have any questions?

15 **MS. MOORE:** So just to confirm, it's
16 not going to be in the Pottsville formation,
17 correct?

18 **MR. COX:** No, it will not be,
19 correct.

20 **MR. GOKORSCH:** Just to be clear, does
21 the water flow between -- back and forth between --
22 I think there's an understanding here that people
23 say if you pull from a deep aquifer, the lower
24 aquifers will lose their water.

25 **MR. COX:** No. The difference

1 between the bottom of the Pottsville and the top of
2 the Berea is about 100 feet of shale. One hundred
3 feet of shale just doesn't transfer water very well.

4 The shallower ones, the Pottsville wells
5 will all be unaffected by anything, they won't see
6 its effect. The only effect you see in the Berea
7 wells is the normal effects that you saw on that
8 graph that, you know, they go up and down
9 periodically, but never dramatically so you don't
10 lose the water.

11 **MR. GOKORSCH:** Any other questions from
12 the audience?

13 **MS. CARROLL:** One more. My concern
14 wasn't so much with the water supply, but
15 the surface water.

16 **MR. GOKORSCH:** I'm sorry.

17 **MR. KING:** That would be somebody
18 else to answer, Mr. Wellert.

19 **MS. CARROLL:** Okay.

20 **MR. KING:** Her question was about
21 stormwater.

22 **MR. GOKORSCH:** I just wanted to know who
23 was speaking, I couldn't see you.

24 **MS. CARROLL** Sarah Carroll, 8584
25 Kinsman, again.

1 **MR. WAGNER:** My name is John Wagner, I
2 live Fox Hollow Drive. I was not sworn in, but I do
3 have a question. What would be the effect --

4 **MR. GOKORSCH:**John, did you say you
5 were not sworn in?

6 **MR. WAGNER:** I was not sworn in.

7 **MR. GOKORSCH:**Will you please raise
8 your right hand?

9 (Thereupon, Mr. Wagner was sworn in.)

10 **MR. GOKORSCH:** Thank you.

11 **MR. WAGNER:** What would be the effects
12 of spills of gasoline and oil? There will be a lot
13 of traffic through there. I pump gas and often
14 spill a few drops, would that affect the water
15 supply eventually or --

16 **MR. KING:** Again, I think that's a
17 question for --

18 **MR. WAGNER:** He is the well guy. I'm
19 not talking about the runoff, that's the other guy.

20 **MR. COX:**That would be a runoff
21 issue. I'm here to discuss how much water is
22 available.

23 **MR. WAGNER:** But you don't know if it
24 would penetrate down to one of those levels?

25 **MR. COX:**No, it won't affect. It

1 wouldn't get down to Berea.

2 **MR. WAGNER:** Okay. Thank you.

3 **MR. GOKORSCH:** Are there any more
4 questions from the residents?

5 **MR. KING:** Thank you, Mr. Cox.
6 Mr. Wellert, you're up to bat again.

7 **MS. MOORE:** I make a motion to close
8 the public comment section.

9 **MR. BOUCHEK:** Second.

10 **MR. GOKORSCH:** All in favor?

11 (Thereupon, the Board members answered in
12 the affirmative.)

13 **MR. KING:** Now we're onto the
14 lighting plan.

15 **MR. WELLERT:** Onto the lighting plan.
16 At our last meeting --

17 **MS. MOORE:** Before you go to the
18 lighting plan, if we can go back to page 3. Twenty
19 gasoline pumps or pump eyelets being located less
20 than 50 feet from an adjacent property line.

21 **MR. WELLERT:** They will not be less
22 than 50 feet.

23 **MS. MOORE:** Will any of them be less
24 than 30 feet from any street line?

25 **MR. WELLERT:** They will not.

1 **MS. MOORE:** Thank you.

2 **MR. WELLERT:** You said "gasoline
3 pumps." The storage tanks --

4 **MS. MOORE:** I said "gasoline pumps"
5 and "pump eyelets."

6 **MR. WELLERT:** I stand with what I said
7 before.

8 I think the last meeting there was -- I
9 think we were just getting into some of the lighting
10 conversation, and we went back and I contacted Red
11 Leonard Associates, they're a lighting vendor for
12 Circle K. They prepared this plan for us, and it's
13 a four- or five-drawing set -- it's a five-drawing
14 set. These are all new sheets from the last
15 meeting. First sheet is title sheet, second sheet
16 you won't be able to read at reduced scale. It's
17 difficult to read it at full scale, but this is a
18 photometric plan showing the foot candle values at
19 ground level.

20 This plan -- a couple things I'll just
21 point out briefly. There's a schedule of the lights
22 on the right-hand side, there's a legend in the
23 table here near the bottom of the sheet and then
24 there's a table calculating the foot candle
25 intensities.

1 The things I would like to point out with
2 this is primarily you've reduced -- I don't have the
3 previous plan with me but I did look at it briefly,
4 and we've reduced lighting levels even more at the
5 property lines. We can't -- we couldn't get down to
6 an exact zero at the property line, but we're pretty
7 darn close.

8 And I'm looking at the north property line.
9 By the time you're 10 feet away from the property
10 line, the foot candle levels are point 2.

11 For a point of reference, a foot candle is
12 the layman's term -- I guess would be basically a
13 birthday candle, the amount of light you would see
14 one foot away holding, you know, a lighted birthday
15 candle.

16 So these things are less than one candle on
17 a birthday cake. And these again are commercial
18 property lights. So it's not like they're up
19 against, you know, a residence on either the east or
20 north sides.

21 The next sheet, which is sheet page 3 of 5
22 kind of a perspective view of that lighting plan
23 that shows where the site light fixtures will be, it
24 also indicates the wall mount units.

25 **MR. KING:** It shows the beam

1 pointing toward the ground, correct?

2 **MR. WELLERT:** Correct. All the lights
3 are LED flush mount. Under the canopy the lenses
4 are basically flush, the fixture itself projects
5 just a little bit, but they're downward projecting
6 lights throughout the site.

7 There are three -- let me make sure I
8 get this right. There was a question asked about
9 lights on the canopy.

10 With the original plan, there were -- I'm
11 going to say five spotlights that were on top of the
12 canopy but they were projecting to the face of the
13 building near ground level just for pedestrian
14 illumination.

15 When I went back to the office, it caught
16 my attention, I talked to Red Leonard, we removed
17 two of those spotlights. My concern was drivers at
18 the intersection, I didn't want them to be at a
19 higher elevation at the intersection looking across
20 and seeing any spotlights. We do have three. It's
21 faint, but you can see there are three projecting
22 lines, and again they're toward the face and base of
23 the building.

24 Sheet 4 of 5 -- page 4 of 5 is -- I'm going
25 to use the wrong term, but there's a color image

1 that shows lighting levels. These are in a pdf
2 form. I think you may have seen a link to this.
3 Some of these pdf drawings are available. If you
4 click on these images, it will expand full size on
5 your screen. But the colorized version shows
6 lighting intensities and the amount of light at any
7 location, and then the ones underneath are a
8 simulated night view of the site.

9 **MR. GOKORSCH:** Is there any way we can
10 make the images bigger now on this display, is it
11 possible? I think it's really important that you
12 can get a feel for what the night view would look
13 like.

14 **MR. WELLERT:** Do you have an Internet
15 connection here and the actual pdf document
16 available?

17 **MR. GOKORSCH:** We actually have one, I
18 think, through Shane's iPod.

19 For me this was really valuable --

20 **MR. WELLERT:** I thought it was good
21 information.

22 **MR. GOKORSCH:** -- what the night view --
23 proposed night view would look like.

24 What I assume was this was a picture like
25 if you had a drone flying over the top of the

1 building at night.

2 **MR. WELLERT:** That's correct. It's
3 from three different viewpoints. You know, I guess
4 the lower left image would be sort of near where the
5 underground storage tanks were and looking out
6 towards the intersection. The center one is if you
7 were in your drone above the intersection looking
8 northeasterly and then the far right image is just
9 as God would see it looking straight down.

10 **MR. GOKORSCH:** Thank you.

11 **MR. WELLERT:** Welcome. The last page
12 in that set are the fixture details, specification
13 sheets. There's a whole science to their
14 nomenclature, but it's all explained on those sheets
15 detailing every fixture.

16 **MR. GOKORSCH:** Do you have a photograph
17 or an image of what the canopy looks like at night?

18 **MR. WELLERT:** I do not. I was trying
19 to think if I had something, I do not.

20 **MR. GOKORSCH:** I will note on the
21 drawing it says the canopy is illuminated.

22 **MR. DOWNING:** On the sign.

23 **MR. WELLERT:** That's the intent. We
24 can -- I don't have one with me, we can probably
25 come up with one, find another location and supply

1 that. I just don't have that as part of this
2 package.

3 **MR. DOWNING:** I question the benefit
4 making other than making it look like an amusement
5 park.

6 **THE NOTARY:** Can you say that again,
7 please?

8 **MR. DOWNING:** I said I don't see the
9 benefit of sign illumination in color other making
10 it look like an amusement park.

11 **MR. GOKORSCH:** I think the board would
12 like to see what the signage looks like when it is
13 illuminated. I presume you've got another site
14 that's using the same canopy?

15 **MR. WELLERT:** We do.

16 **MR. GOKORSCH:** Yeah. And I'm also
17 assuming that the amount of illumination behind that
18 could be changed?

19 **MR. WELLERT:** I imagine it could. I
20 don't design that part of it, but we can look into
21 that and start by providing what the standard one
22 would look like for this location.

23 **MR. GOKORSCH:** You understand our
24 concern?

25 **MR. WELLERT:** I do.

1 **MR. KING:** Mr. Chairman, if this is
2 an appropriate time to address, at the last hearing
3 the request was made to direct you to a comparable
4 Circle K property in the area, and, frankly, we --
5 Bob, you can confirm this if I'm speaking
6 accurately, if not, correct me, but with the
7 additional measures being taken, we didn't think it
8 was going to be anything comparable because of
9 essentially going to be less light trespassing --
10 I'm using that word as a word of art -- onto the
11 other properties. So we didn't want to give an
12 inaccurate image of what's going to be here; is that
13 correct?

14 **MR. WELLERT:** That's correct. I think
15 the other thing that was important, and we had this
16 conversation, is that Circle K hasn't done this --
17 in this region -- this Great Lakes region, we
18 haven't built a site with a canopy away from an
19 intersection. So we couldn't find something that
20 was comparable.

21 There were a few sites that came to my
22 mind, they were in more of a commercial area. If we
23 went out in the evening and took a photograph of it,
24 you might see a Wal-Mart in the background and
25 project a different image than what this would be at

1 night. So it's difficult to say, "Go visit this
2 site." To your question about the canopy, I'm sure
3 we can come up with an image of what the canopy back
4 lighting is like.

5 **MR. GOKORSCH:** That would be valuable.
6 That would be valuable, I think, for the board to
7 see what that looks like at night.

8 **MR. WELLERT:** Okay.

9 **MR. BOUCHEK:** I have some specific
10 questions on the lighting. Is it correct that all
11 the light fixtures are LED?

12 **MR. WELLERT:** Yes, they are. If you
13 can find it different, let me know, but it's my
14 understanding they are all LED lighting.

15 **MR. BOUCHEK:** I don't know if you will
16 be able to answer this, but do you know the color
17 temperature of all the fixtures or --

18 **MR. WELLERT:** I can't answer that. It
19 may be within these documents, and maybe if I
20 researched it -- well, I'm not even sure if the
21 color images that we were showing before were
22 reflective of color temperatures at all.

23 **MR. BOUCHEK:** Based on the photo
24 matrix, I'm assuming and I'm reading this correctly,
25 the under canopy foot candles are on the average of

1 about 48 foot candles?

2 **MR. WELLERT:** It's slightly higher.
3 According to sheet 2, right after the cover sheet,
4 says canopy average 48.64.

5 **MR. BOUCHEK:** And then the average for
6 the paved area is around 5.29 if I read this?

7 **MR. WELLERT:** Correct, according to the
8 diagram.

9 **MR. BOUCHEK:** Do you know what --
10 looking at the same chart, do you know what that
11 last row represents, the maximum minimum?

12 **MR. WELLERT:** I can get you that
13 answer, but I do not. I actually wondered the same
14 thing. I didn't see that column until today and I
15 had the same question and couldn't get it answered.

16 **MR. BOUCHEK:** I'm going to assume that
17 "71.6" something is some kind of a typo?

18 **MR. WELLERT:** Until I know what they're
19 trying to represent, I don't know what it is. I can
20 let you know what that comment was meant to
21 indicate. I'll check with Red Leonard.

22 **MR. BOUCHEK:** And then going back to
23 the maximums, the paved area maximum for candles at
24 some location the paved area is 35.8 foot candles?

25 **MR. WELLERT:** Correct.

1 **MR. BOUCHEK:** Would you happen to know
2 where that is?

3 **MR. WELLERT:** I'm assuming that's right
4 in front of the building. It is. It's on the
5 sidewalk right by the front doors.

6 Right in front of the doors is 35 -- I'm
7 seeing numbers, it's 35.16, 35.8 right at the front
8 center of the door.

9 **MR. BOUCHEK:** Okay.

10 **MR. WELLERT:** On the sidewalk.

11 **MR. BOUCHEK:** So safe to say that the
12 parking lot, the brightest area is right at the
13 front entry of the sidewalk?

14 **MR. WELLERT:** Correct. I'm seeing
15 numbers at the front sidewalk, 15.7 as the high and
16 if you projected a line from the front doors out to
17 the canopy I see a 16.3 right in front of the
18 canopy.

19 **MR. BOUCHEK:** Okay. The only other
20 location which is much brighter is strictly reserved
21 for under the canopy where the pumps are?

22 **MR. WELLERT:** Correct.

23 **MR. GOKORSCH:** I want to ask one
24 question, you might have answered it earlier, and
25 that is will the paving being blacktop or will it be

1 concrete, blacktop being way more absorbing of light
2 than the whiter lighter color.

3 **MR. WELLERT:** The standard today has
4 been concrete. As a matter of fact, we haven't even
5 included any asphalt paving specifications in any of
6 our construction documents; however -- I mean, if
7 you want to make that call now we can, but I heard
8 that they may entertain asphalt because of pricing.
9 You know, it's all a pricing thing. Concrete has
10 been the most -- just as affordable considering
11 construction timelines. But out of 25 sites that
12 we've built, they have been -- 23 have all been
13 concrete.

14 **MR. GOKORSCH:** Any questions on lighting
15 from the board?

16 **MR. DOWNING:** Yes. Mr. Chairman, I
17 would like, in terms of the lighting, to get to the
18 signs because there seems to be some concern or
19 confusion as to what's allowed and what's not
20 allowed, and I would like to ask the zoning
21 inspector to review this stuff, give us a summary of
22 what's allowed and what requires variances.

23 **MR. WRENCH:** As far as the lighting
24 or --

25 **MR. DOWNING:** Signs itself.

1 **MR. WRENCH:** Signs themselves?

2 **MR. DOWNING:** Well, you have the wall
3 sign --

4 **MR. WRENCH:** It's kind of noted that
5 the sign package hasn't been formally submitted.
6 The variances that were written up here were what
7 were observed from the site plans that were
8 submitted.

9 So basically looking at the plans you can
10 see that there's a ground sign on 306, ground sign
11 on 87. Per the resolution, it only permitted one
12 ground sign per -- so that's where looking at that
13 forward thinking there would be a variance required.

14 **MR. DOWNING:** How about the wall sign
15 above the door?

16 **MR. WRENCH:** That's the same thing
17 where you're permitted 50 square foot maximum for
18 signage.

19 **MR. WRENCH:** Circle K is not seeking
20 any variances now for signage. That was -- when the
21 second round of applications were submitted, it did
22 have signage on there with dimensions, and as I did
23 a variance review, those are things that required or
24 would require -- at the time I didn't know is that a
25 part of the submission package or not. Now they're

1 saying none of the signage is under the variance
2 review.

3 **MR. GOKORSCH:** So to be clear we need a
4 comprehensive signage review for this site?

5 **MR. WRENCH:** Correct. That's going to
6 be an issue down the road apparently if they don't
7 conform to the zoning regulations. So I guess
8 they're seeking now for the building and the
9 conditional use and down the road, if applicable,
10 they will seek another variance, if needed, for
11 signage.

12 **MS. MOORE:** So that's not what's in
13 front of us right now, what I see?

14 **MR. WRENCH:** Apparently not.

15 **MS. MOORE:** What I see are requests
16 for variances on some signage and proposed plans
17 that contain signage. So if you're not going to do
18 the signage now, if you can present the plans with
19 no signage so there's no dispute on that, that would
20 be helpful. If you decide you want to hit the
21 signage now just to get it over and done with it,
22 that would be great, we'll entertain that.

23 **MR. WELLERT:** I'll say it as loud as I
24 can so we all hear, but the current plan, I think as
25 we concluded earlier when we took a brief reprieve,

1 was that we need to supply a sign book. We just
2 don't have that. We indicated -- I feel pretty
3 comfortable what you're seeing is what we'd like to
4 get. I don't know if it's code conforming other
5 than I do know that we need a variance to have two
6 signs and another wall sign. We'll get you support
7 footages with a sign summary, that's the current
8 train of thought.

9 **MR. KING:** So we -- and you
10 gentlemen correct me if I'm mistaken. We can't get
11 specific variance requests with regard to signs at
12 this point. We know we need at least two variances.
13 So we can either get those as part of this
14 application, which would require another hearing, or
15 proceed without it, but we're going to need another
16 hearing anyhow.

17 So if it please the board, I think we would
18 request a continuance and we would update the plans
19 to identify those variances and provide you with all
20 of those specifics you need. Is that --

21 **MR. ISKI:** I think the main issue is
22 we only have a copy of the current code and I don't
23 want to misspeak to what's code conforming or not.
24 So I'm not a hundred percent sure.

25 Basically what happened, after the feedback

1 from the previous meetings when we decided -- we
2 went and got permission to flip the site, I'm going
3 to call it, again, we reached out 15,000 stores, the
4 closest that this site plan has been built to here
5 is Arizona, and that's why we couldn't address the
6 lighting issues.

7 A year ago we couldn't build this, so this
8 proposal would be the first of this design, and that
9 changed two things really. Going from one corner
10 sign to flipping, that created the desire to have
11 smaller signs on both streets. And, again,
12 obviously, if we had the traditional site plan where
13 the fuel canopy was in front of the store, there
14 would be no need or desire for a second sign on the
15 rear.

16 So in trying to accommodate as best we can,
17 it actually created a few sign variances that we
18 didn't need before.

19 **MR. GOKORSCH:** What I'm hearing clearly
20 is you would like a continuance to come up with the
21 sign plan and you need what the requirements are,
22 right?

23 **MR. KING:** Correct.

24 **MR. GOKORSCH:** I don't sense any ill
25 intent there or anything. I understand.

1 There are some other things that we talked
2 about. There's a table that needs to be updated
3 here. Maybe what we should do is get a list of all
4 of those that -- you make sure so the next time we
5 get together here, we can be complete. Does that
6 make sense?

7 **MR. KING:** Absolutely.

8 **MS. MOORE:** I just want to take a
9 second to thank the Circle K people for listening to
10 us, taking the time to work on modifying their
11 proposals to try to align with our resolution in a
12 manner that is in the spirit of our community. We
13 greatly appreciate it and thank you for your
14 efforts.

15 **MR. WELLERT:** You're welcome.

16 One thing I didn't speak to, but I think
17 it's evident to the room -- and, David, how would we
18 mark this as an exhibit? We brought these
19 prospective renderings before and after.

20 **MR. KING:** It's right there.

21 **MR. WELLERT:** Okay. We're there now
22 then. This is Exhibit 10, which are the prospective
23 renderings, and we printed and have on full display
24 in the room, and -- I don't have one in front of me,
25 but the first sheet is a prospective view from the

1 intersection as it looks today.

2 That's a view standing at the intersection
3 looking northeasterly. The primary feature you can
4 see is a road sign, an office building in the
5 background, you can see the aged Circle K store.

6 To the right John is holding the same
7 viewpoint with the proposed new store, and you will
8 see the intent is to keep a large landscaped area.
9 The entire corner that's there now would be planted
10 in grass. We don't have a right to plant other
11 things on it because we don't own it, but it would
12 be grass. There's currently a gravel driveway that
13 runs through there, that would be removed and
14 planted, and everything would be set back from the
15 intersection.

16 We did take -- and we've talked about this
17 earlier but I want to point out we took this west,
18 which is the back wall of our building, and we tried
19 to give it a frontal appearance, fake windows -- you
20 can't have an entry door there, we have coolers.
21 You've been in these convenient stores. But it will
22 look like the appearance of the front of the
23 building both on the west and south sides.

24 **MR. KING:** This is current?

25 **MR. WELLERT:** This is current view from

1 the southeast property corner. If you're looking at
2 the bank and the driveway entrance, so this is on
3 Kinsman Road looking northwesterly, you see some
4 trees and again some aged buildings and some asphalt
5 parking areas that are kind of rough.

6 On a typical Ohio day, cloudy skies, this
7 is -- sorry we didn't document the sunshine, but
8 this will be the same view, same location on Kinsman
9 looking northwesterly, and you can see the Circle K
10 store, the canopy, the sign we've been talking
11 about. We're not talking about a 20-foot-high
12 billboard sign, tried to keep it low, keep some
13 landscaping around the site yet still be visible.

14 I believe, John, maybe you can correct me,
15 still by law we have to advertise pricing no matter
16 what.

17 **MR. ISKI:** Yes, yes.

18 **MR. WELLERT:** So we have to advertise
19 the gas station.

20 There will be front parking. When I talked
21 before about the bollards -- these are a little
22 dark, but normally we have bollards at the front of
23 those parking spaces. We removed those and they
24 might be more evident in the last rendering.

25 **MS. VAN DE KAMP PEET:** Yeah, they are.

1 **MR. WELLERT:** And this is -- this
2 one caught my eye because this is a bleak view
3 from the northeast looking southwesterly toward
4 the intersection, you see the disrepair of the
5 parking area. I was just in there this evening in
6 the area, behind the Circle K is pretty rough.
7 There's ponded water -- there's ponded water along
8 the front edge of 306 and the buildings are just
9 aged and that's the way it looks today.

10 This is the same viewpoint and
11 postconstruction photo, concrete pavement, big front
12 yard in the corner with a lot of green area and set
13 back from the intersection.

14 I think -- I don't want to speak to the
15 safety of the traffic at the intersection, but I
16 think it's got to be an improvement. Distractions
17 near a corner -- a gas station near a corner is
18 probably distracting. All the activity is going to
19 be away from the intersection, kind of concealed
20 behind the building. You have landscaping around
21 all the property lines. Where are we going to put
22 it? On the north side there's already quite a few
23 trees in some low areas on the edge of the property.
24 I think those would be left here, right?

25 **MR. ISKI:** Yeah, we can.

1 **MR. KING:** In front of you is
2 Exhibit 10, and this is just a smaller version of
3 everything we held up; is that correct?

4 **MR. WELLERT:** That's correct. That's
5 all I've got for now.

6 **MR. GOKORSCH:**That was a lot. I
7 assume, as you mentioned before, the old exhibits
8 will be removed, right? We'll just go with the set
9 you have today.

10 **MR. KING:** Except Exhibit 1 stays in
11 and Exhibit 8 stays in from the previous hearing. 2
12 through 7 are withdrawn.

13 **MR. GOKORSCH:**I'm assuming you're going
14 to update your variance requests making the
15 corrections that were noted by the vice chair
16 throughout and adding the new ones in for the next
17 meeting, correct?

18 **MR. WELLERT:** Correct.

19 **MR. KING:** Correct.

20 **MR. GOKORSCH:**I have a note here, a
21 sign plan will be addressed first thing at the next
22 meeting, is that correct, signage?

23 **MR. WELLERT:** Yes.

24 **MR. GOKORSCH:**There was a question that
25 didn't get answered, which is the average amount of

1 water that a homeowner would use, gallons per day.
2 Can we get that with some expert testimony? I mean,
3 we have a number here, 3,500 gallons a day, this
4 facility. I would like to know how many houses
5 worth of water that is, that's all, just so --

6 **MR. KING:** I'm sure I can get that
7 from the health department.

8 **MR. ISKI:** If I may, I don't have it
9 in front of me, but I believe Doug Hunter testified
10 at that last time, so we just need to pull that
11 transcript. I just don't have it with me. We can
12 get you that, absolutely.

13 **MR. GOKORSCH:** Perfect, thanks.

14 Are there any other questions for the
15 board -- any other action items (inaudible) next
16 time.

17 **MR. BOUCHEK:** The one variance request
18 for the frontage on 87, we needed to figure out the
19 frontage of the right-of-way line instead of the
20 centerline of the road so we can get that more
21 accurate.

22 **MR. GOKORSCH:** Is there any other input
23 from the board? I'm assuming I have a motion for
24 the hearing to continue?

25 **MR. GRASSI:** Yes, I make a motion.

1 **MR. KING:** Before you roll, we'll be
2 able to present some additional evidence, correct,
3 relative to the --

4 **MR. GOKORSCH:** Absolutely, absolutely.
5 We're talking continuance here.

6 **MR. KING:** So we can get home and
7 get some sleep. I'm all for that.

8 **MR. BOUCHEK:** The only request I would
9 make is don't send it to us the day before.

10 **MR. KING:** Okay.

11 **MR. BOUCHEK:** Give us maybe a week
12 before.

13 **MR. KING:** We will do our best.

14 **MR. BOUCHEK:** That would be great.

15 **MR. GOKORSCH:** We're going to close this
16 meeting here and continue.

17 **MR. WAGNER:** I realize, but one thing
18 you ought to get is the color temperature of the LED
19 lighting, get that figure for us next time.

20 **MR. GOKORSCH:** What was your question?

21 **MR. WAGNER:** The color temperature of
22 the LED lights, it's important according to the
23 International Dark Sky Association. It's a good
24 question that I bring up.

25 **MR. GOKORSCH:** Did you get that

1 question?

2 **MR. KING:** No.

3 **MR. GOKORSCH:** The question is we're
4 going to add what is the color temperature of the
5 LED lights, and they may already be an exhibit but
6 we don't have to address that tonight.

7 **MS. MOORE:** I'll make a motion to
8 continue the hearing on conditional use permit
9 request 515 and variance request number 516.

10 **MR. DOWNING:** I'll second.

11 **MR. GOKORSCH:** All in favor?

12 (Thereupon, the Board members answered in
13 the affirmative.)

14 **MR. GOKORSCH:** Thank you, gentlemen --
15 lady and gentlemen. This may seem like a lot of
16 work and a bother to go through these details;
17 however, if you don't go through these details, ten
18 years from now someone is going to dig this thing up
19 and say, "Why didn't you guys think" --

20 **FEMALE SPEAKER:** We cannot hear you.

21 **MR. GOKORSCH:** I said thank you very
22 much for being so patient and working with us
23 tonight. And we -- sorry we're pushing through all
24 these details, it may seem like (inaudible) to you,
25 what the frontage is, signage, illumination, the

1 color temperature; however, if we don't do this, ten
2 years from now someone may have an issue with the
3 site and they're going to go back through these
4 proceedings and the transcript and they're going to
5 say, "What was wrong with that board? They didn't
6 ask how many gallons per hour was being consumed by
7 each (inaudible)." So we have to do this. Thank
8 you very much.

9 We have some more work. There will be an
10 announcement just like there was here for the next
11 meeting.

12 **FEMALE SPEAKER:** Will the rest of us
13 residents be able to speak up at the next meeting?

14 **MR. GOKORSCH:** Yes.

15 **FEMALE SPEAKER:** Why not now?

16 **FEMALE SPEAKER:** Because we want to go
17 home.

18 **MR. GOKORSCH:** Couple reasons. One is
19 we've had a long night and a long day, two is some
20 of the key people who you could have asked questions
21 for -- we opened up the public hearing to get you
22 questions. The next meeting we will talk about the
23 lighting and the signage, and if you have any
24 questions about that, you can ask questions to those
25 people who are the experts. Thank you.

1 **FEMALE SPEAKER:** I appreciate the
2 postcards. Thank you.

3 **MR. GOKORSCH:** The minutes from the
4 5/17 -- any comments on the 5/17 minutes?

5 **MR. DOWNING:** November 5, they look
6 good to me.

7 **MR. BOUCHEK:** How come some of the
8 things are heavy and some of these things are
9 bolded?

10 **THE NOTARY:** Do you want this in the
11 record? I can't hear.

12 **MR. GOKORSCH:** The question was: Why
13 are the answers to the factors bolded and the text
14 is not, and I guess the answer is to make it easier
15 to read to show it's not the question but it's the
16 answer.

17 **MR. BOUCHEK:** Okay.

18 **MR. GOKORSCH:** Any other input on the
19 minutes here? If not, a motion?

20 **MR. DOWNING:** I move we accept the
21 minutes of the November 5th meeting as submitted.

22 **MR. BOUCHEK:** I second.

23 **MR. GOKORSCH:** All in favor?

24 (Thereupon, the Board members answered in
25 the affirmative.)

1 **MR. GOKORSCH:** That takes care of that.

2 Next article of business is when is our
3 next meeting? Our vice chair says she can make
4 January 7th. January 7th good for everybody?

5 (Thereupon, the Board members answered in
6 the affirmative.)

7 **MR. GOKORSCH:** Let it be written
8 January 7th, at that meeting add agenda item to
9 review the entire year's worth of dates for meetings
10 against our calendars. In that meeting we will go
11 out and plan the whole year out.

12 Any other business?

13 **MR. DOWNING:** No. I move we adjourn.

14 **MR. GRASSI:** Second.

15 **MR. GOKORSCH:** All in favor?

16 (Thereupon, the Board members answered in
17 the affirmative.)

18 (Thereupon, the hearing was
19 adjourned at 10:41 p.m.)

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C E R T I F I C A T E

STATE OF OHIO,)
) SS:
SUMMIT COUNTY.)

I, Carina C. Meszaros, a Registered Merit Reporter and Notary Public within and for the State of Ohio, duly commissioned and qualified, do hereby certify that these proceedings were taken by me and reduced to Stenotypy, afterwards prepared and produced by means of Computer-Aided Transcription and that the foregoing is a true and correct transcription of the proceedings so taken as aforesaid.

I do further certify that these proceedings were taken at the time and place in the foregoing caption specified.

I do further certify that I am not a relative, employee of or attorney for any party or counsel, or otherwise financially interested in this action.

I do further certify that I am not, nor is the court reporting firm with which I am affiliated, under a contract as defined in Civil Rule 28(D).

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Akron, OH, on this 3rd day of January, 2019.



Carina C. Meszaros

Carina C. Meszaros, RMR

My commission expires March 11, 2019.

- - -

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