

## PERKINS TOWNSHIP BOARD OF ZONING APPEALS MEETING

Held By: Perkins Township Board of Zoning Appeals

Place: Perkins Township Service Facility, Meeting Room, 2610 Columbus Avenue

Date: April 18, 2022

Time: 4:00 p.m.

Board Members Present: Mr. Ted Kastor, Chairperson  
Mr. Larry Pitts, Vice Chair  
Mr. Michael Bixler

Board Members Absent & Excused: Mr. Spence, Mr. Bertsch & Mr. Gast

Staff in Attendance: Mrs. Arielle Blanca, Planning  
Mrs. Jessica Gladwell, Administrative Assistant

### I. Pledge of Allegiance

Mr. Ted Kastor called the meeting to order and led the Board and staff in the Pledge of Allegiance.

### II. Roll Call

Mr. Kastor asked for roll call to be taken.  
Mr. Kastor, here; Mr. Gast, here; Mr. Bixler, here;

### III. Minutes

Mr. Kastor asked for a motion to approve the minutes from the December 20, 2021, meeting.

Mr. Bixler made the motion and Mr. Gast seconded.

**Roll Call:** Mr. Bixler, Yes; Mr. Gast, Yes; Mr. Kastor, Yes.

### IV. Chairperson's Welcome and Explanation of Public Hearing & Public Meeting

Mr. Kastor welcomed everyone to the meeting. He said it will be held in two (2) parts. First will be the Public Hearing, where the Board will hear from the applicant. Then they will switch to the Public Meeting, where the Board will decide the fate of the application.

Mrs. Gladwell Swore in everyone that signed in.

### **Reading of the Request**

- V. **APPLICATION #BA2022-02** A conditional use permit was requested by Boing US Holdco, Inc. for a property located on Milan Road (PPN: 32-00863.000). The conditional use permit requested is to allow for a car wash as Section 17.2(2) of the Zoning Resolution requires Conditional Use Permits for properties zoned "C-2"/General Commercial District to conduct a car wash.
- VI. **APPLICATION #BA2022-03** A conditional use permit was requested by Boing US Holdco, Inc. for a property located on Milan Road (PPN: 32-00863.000). The conditional use permit requested is to allow for an automobile service station as Section 17.2(1) of the Zoning Resolution requires Conditional Use Permits for properties zoned "C-2"/General Commercial District to conduct automobile service stations. **(Read BA2022-02 & BA2022-03 together)**

### **Michael Kissinger – Civil Engineer**

We go by Driven Brand- which is Take 5 Carwash. There are some in Ohio and some in Pennsylvania. As you mentioned we are looking to develop a piece of property on Milan Rd there, with a car wash and oil change business. We have made our application and I believe all of that is part of the record, and we have also received the staff report and got the opportunity to meet with some of your staff. We really just wanted to go over our access points and our circulation that we have from that staff review. We have ways to improve that circulation, and we look forward to doing that with your staff. Additionally, I think there were two main pieces of concern from that staff review. I think one is the connection point with the adjacent property owner and we have removed that, in a most recent plan that has not been reviewed by your staff yet, but we would love to show it to you tonight as well and provide it to the Township for your proper review. The last piece is an approval from ODOT for the entrance point, which is now about 300 ft north of our property and we do have an email from ODOT stating that the entrance is approved. Just for clarity the entrance that we are now utilizing was previously proposed for a different use, and there for that is why ODOT approved our variance for that since they have already previously.

### **VII. Staff Review**

As Jessica stated this is an application for two conditional use permits, they will be located on Milan Rd, directly next to Panera Bread. The current zoning is "C-2"/General Commercial District. They are proposing a carwash and oil change establishment. The subject property is located on the west side of Milan Rd, so it's a very large parcel right now. They will be in the front corner next to Panera. The subject property as well as the surrounding properties to the south and east are zoned "C-2"/General Commercial, the properties to the north are zoned "MA"/Mineral Aggregate and "C-2"/General Commercial and the properties to the west are zoned "R1-B"/Single-Family Residential.

Mr. Kastor stated the Deehr property has had a lot of interest in that property in the years, and nothing has happened for various reasons. It is a rather deep narrow property; do you have any plans for the rest of it?

Michael stated that unfortunately he only represents the carwash on this, so he is not aware of any of that. Again, we are benefiting from the fact that one of the previously plans received the ODOT approval for this intersection location. I would full expect that this road would be utilized by other developments that may occur, but I can not speak for them being just the engineer for this project.

Mr. Kastor asked why he abandoned the access from behind Panera Bread?

Michael stated that they took the request, we took that easement request back to our real estate department. I am not sure if they reached out to that property owner or not, but at this point it is deemed to not pursue that entrance with them. Could it happen in the future? I think it was a decision made on our client's side.

Mr. Kastor stated in the past when the Deehr property was trying to get developed, that access from behind Panera was controversial.

Mrs. Blanca stated she had more.

The subject parcel will be split from the existing 47.8-acre parcel to create a 1.488-acre lot. Development standards require a minimum lot area of 1 acre and a minimum lot frontage of 60 feet with a front yard setback of 25 feet. The property will consist of two buildings, a drive-thru car wash and an oil change building. Each building will have three lanes for traffic which will be able to hold 5 cars in each lane. Additionally, there will be 26 parking spaces. The project will meet all setback requirements for both the automobile service station and the car wash. The applicant is currently working with ODOT to gain access to the property off Milan Road. The internal circulation plan needs to be streamlined. The applicant should redesign the circulation plan and provide it to staff as a draft for comments. The applicant has submitted a new site plan which does not have access to the parcel from the Crossings behind Panera. (Please find a copy in the back of your binder)

Township staff reviewed the conditional use permits and the Building Department has stated that building drawings, permit applications and fees are required for review and approval prior to proceeding.

Additionally, the Fire Chief has stated that there will be a requirement to provide a fire hydrant within 400' of each structure. Also, there must also be access to the buildings for Fire vehicles which meet the requirements of the fire apparatus access road section of the Ohio Fire Code.

Staff did receive one comment from a neighboring property owner regarding access behind Panera Bread, the letter is also in the back of the binder.

This application has been reviewed from the perspective of the Zoning Resolution's standards as noted above. In this regard, it is noted that planning staff **recommends this application be tabled since the applicant is still working with ODOT to gain access to this property, with the following conditions:**

1. **Will need to provide written documentation from ODOT once access is approved.**
2. **Applicant will need to work with Erie County to complete the lot split.**
3. **An access easement will need to be recorded on the remainder parcel for access to the subject parcel.**
4. **The internal circulation plan needs to be streamlined and resubmitted. Please contact staff for recommendations.**
5. **A photometric plan will need to be submitted, to be approved by staff.**
6. **Applicant will need to work with Erie County Engineers office on a drainage plan.**
7. **All building and signage permits must be submitted and approved.**
8. **Work with Perkins Township Fire Department to meet fire regulations, such as provide a fire hydrant within 400' of each structure and also provide access to the buildings for Fire vehicles which meet the requirements of the fire apparatus access road section of the Ohio Fire Code.**

Michael asked from the applicant's respect if we could absolutely meet those conditions, we agree we can absolutely work through those aspects. Just a point of questions, what we have currently is an email from ODOT, is that enough or do you need an approval letter? What kind of format can we send that to you in?

Mrs. Blanca stated an approval letter, something formal stating that they are approving it.

Mr. Kastor stated that the community development is recommending tabling it, but could we approve it based on the 8 items outline in the staff report?

Mrs. Blanca stated yes you could.

Mr. Kastor asked if there are any comments or concerns from board members or if anyone in the audience would like to comment on this?

Mr. Hoty stated that he loved the project, and you should approve it with the 8 conditions. Were neighbors to the north with Sleep Outfitters and then across the street with the Eye Care and Outback. You know the letter I wrote, revolves the Sam's Club, The Crossings has a receptacle easement agreement with all the owners back there. There is a tiff about what they can and can't do as the receiver. You could put a public road there, and I would have no objections.

Mr. Bixler asked if this car wash is the same or a different one that is going in across from Great Wolf.

Mrs. Blanca stated it's a different one.

**VIII. Close Public Hearing/Open Public Meeting**

Mr. Kastor asked for a motion to close the public hearing and open the public meeting.

Mr. Gast motioned to close the public hearing. Mr. Bixler seconded. Mr. Gast, Yes; Mr. Bixler, Yes; Mr. Kastor, Yes.

**IX. Discussion from Board**

Mr. Kastor stated he would entertain a motion or approve or deny the request.

Mr. Bixler motioned to approve Application #BA2022-02 & 03 with the 8 conditions listed, Mr. Bixler seconded. Mr. Gast, Yes; Mr. Bixler, Yes; Mr. Kastor, Yes.

**X. Old Business**

**XI. New Business**

**XII. Adjournment**

Mr. Kastor asked for a motion for adjournment.

Mr. Gast made the motion and Mr. Bixler seconded. Roll Call: Mr. Gast; yes, Mr. Bixler; Yes, Mr. Kastor; Yes.