

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: October 17, 2022

Time: 4:00 p.m.

Board Members Present: Mr. Ted Kastor, Chairperson
Mr. Pitts
Mr. David Bertsch
Mr. Michael Bixler

Board Members Absent & Excused: Mr. Spence and 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. Pitts, here; Mr. Bertsch, here; Mr. Bixler, here;

III. Minutes

Mr. Kastor asked for a motion to approve the minutes from the September 19, 2022, meeting.

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

Roll Call: Mr. Pitts, Yes; Mr. Bixler, Yes; Mr. Bertsch, 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.

V. Reading of the Request

APPLICATION #BA2022-29 A conditional use permit was requested by Todd Hayes on behalf of Lowe's Home Improvement for a property located at 5500 Milan Road, Space 304 (PPN: 32-03494.001). The conditional use permit requested is to allow for the outside display and storage of goods and merchandise as Section 17.2(12) of the Zoning Resolution requires Conditional Use Permits for properties zoned "C-2"/General Commercial District for the outside display and storage of goods and merchandise.

VI. Staff Review

Mrs. Blanca stated Todd Hays has submitted an application on behalf of Lowe's Home Improvement for the property located at 5500 Milan Road. The current Zoning: "C-2"/General Commercial District. A Conditional Use Permit is required by the Zoning Resolution for properties zoned "C-2"/General Commercial District, in order, to allow for the outside display and storage of goods and merchandise. The subject property is located along the east side of Milan Road. The property is located within a shopping plaza. Vehicular access to the site is provided by three separate access driveways which comes off of Milan Road to the Park Place Shopping Center. Land use north, south, and east, of the property is commercial in nature and land use to the west is multi-family residential. The applicant is requesting to allow 55 parking spaces for the display of mulch, soil and miscellaneous bag goods yearly from the end of February to the end of July. Additionally, they would like to utilize 9 parking spaces for highway trailers during the same period.

This application has been reviewed from the perspective of the Zoning Resolution's standards as noted. In this regard, it is noted that planning staff recommends this application be approved since the property shares a joint parking lot within the shopping center with adequate parking available, additionally Township staff have not received complaints regarding the location of the outside display of merchandise from neighboring properties and the merchandise has been stored in the parking lot for years prior.

Staff recommends approval with the following two conditions:

- 1. The storage of mulch, soil, miscellaneous items do not exceed one row of parking, which would be 29 parking spaces total, and the storage of trailers and sheds do not exceed the additional 9 parking spaces requested.**
- 2. That any catch basin near the bags shall be covered with a dandy bag to prevent large pieces of debris from entering the storm water system.**

Ted Kastor stated that he assumes a dandy bag is some sort of a screening or something so the catch basin doesn't get clogged.

Mrs. Blanca stated yes, that was from our public works department.

Mrs. Gladwell Swore in everyone that signed in.

Todd Hayes – store manager of Lowe’s. I apologize, I am new to this store, I have only been the store manager since February, so I did not know I needed a permit to use that parking lot. That is why I’m here today, because it was brought to my attention to submit a proposal and get a permit to you. Just the nature of our business, especially the nature garden business we get such a large quantity of the mulch, soil, and stone in for the summer season that traditionally we set up an area in the parking lot to help the flow of customers buying that type of merchandise.

Mr. Bertsch asked if there would be any issues with complying with the 29 parking spaces and the additional 9 recommendation from the Township?

Mr. Hayes stated that it would be difficult, but it will be doable.

Mr. Kastor stated he was going to give a little background of the Township. Perkins Township had a conservative parking space requirement based on the square footage of retail. If you look at the mall and the big boxes, there are a lot of parking spaces. We’ve been told it has been a little excessive, which is fine. What we have seen over the years are a lot of the big boxes were putting their bagged goods in their parking lot. we once forced Wal-Mart to corral some stuff together. We are just trying to regulate a little, and your store in the spring had a lot of parking spaces occupied with bagged goods and so fourth which is probably why you received this from Perkins Township. We appreciate your cooperation. We understand you have a business and there is space out there.

VII. Staff Close Public Hearing/Open Public Meeting

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

Mr. Bixler motioned to close the public hearing. Mr. Bertsch seconded. Mr. Bixler, yes; Mr. Bertsch, Yes; Mr. Pitts, Yes; Mr. Kastor, Yes

VIII. Discussion from Board

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

Mr. Bertsch motioned to approve Application #BZA2022-29 Mr. Pitts seconded.

Mr. Bertsch yes; Mr. Pitts, Yes; Mr. Bixler yes; Mr. Kastor, yes.

Mr. Kastor stated in the past we kind of granted a seasonal thing, but now they won’t have to come back.

Mrs. Blanca stated right with the conditional use permit, since he’s using it yearly, it doesn’t expire. If he stopped using it for 2 consecutive years, then it would expire and he would have to come back.

IX. Old Business

X. New Business

Mr. Pitts asked what is going on back behind Sam's Club.

Mrs. Blanca stated that Joe Keys with Hart Advertising, purchased a property back there right along route 2. They are extending the road then he is going to have a driveway to his property off that road, and there is a new billboard back there and moving two more billboards that are there closer to the road. I believe this came 2 years ago for approval.

Mr. Pitts stated he remembered that it was just signage.

Mrs. Gladwell stated that he might be putting an office back there, but nothing has been submitted.

Mr. Kastor stated that there was a TIF to improve the road and access.

Mrs. Blanca stated that she thinks that was the other way, like in front of Sam's connecting to Bay winds.

Mr. Kastor stated that was called the Maui Sands TIF. The commissioner's kind of blew it up and happened to give some money back to the schools. Personally, he wanted to see that road be developed, it would've opened some parcels, but the county didn't see it that way. They felt that road would benefit some private developers and you know where that goes. Its unfortunate because it made sense.

XI. Adjournment

Mr. Kastor asked for a motion for adjournment.

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