

## **Bear Creek Township Planning Commission Meeting August 31, 2022**

**Called to order:** 6:30 p.m.

**Roll Call:** Kargol, Cyphert, Brown, Haven, Gunderson, Mays

Absent: Radatovich

Staff: Hillary Taylor

### **Pledge of Allegiance**

**Approval of Minutes:** Motion by Cyphert and seconded by Kargol we approve the minutes of July 27, 2022 as printed. **Motion passed**

**Case #PPUDP22-02** Coseo Properties, Inc., PUD-Residential overlay, 2287 Anderson Rd. and 2404 US 131 Hwy. **Applicant postponed**

**Case #PSUP22-020** Spartan Stores Fuel LLC, Special Use Permit – Retail Use with outdoor storage, 1115 NUS31 Hwy.

Taylor presented the case as follows: The site requires to have 4 parking spaces and there are 6. They would be taking 2 spaces for the storage. Went through the pictures of the site. The property is Zoned B-2 General Commercial. It is approximately 11.84 acres in area. Proposal is to allow a retail use with outdoor storage. The site is part of a larger complex. The site has a 940 square foot convenience store, which is required to have the 4 parking spaces. There are 6 parking spaces in front of the store including one ADA compliant space. The applicant proposes to utilize 2 parking spaces up to 1,200 square feet of area for outdoor storage. One of the areas is 20'X50' and the other area is 20'X10'. The Zoning Ordinance allows "retail uses with outdoor storage" in the B-2 Zoning district. Although "outdoor displays" are defined in Article 2—Definitions, this is not listed as an allowed land use in B-2. The definition of "outdoor display" is what the applicant has listed as the proposed use on their application. One of the proposed seasonal items listed is "fireworks." This has been reviewed by the Fire Department and is not allowed.

**Taylor** stated there is a discrepancy on what they are asking for and what is allowed in the Ordinance.

**Brown** asked if the 4 spaces required is for public and employee use.

**Taylor** stated yes

**Brown** read the comments given by Emma Radatovich since she was not available to attend the meeting. These concerns are: 1) Setting precedence in allowing gas stations to have outdoor display. Especially because most of these items, such as mulch, you don't typically buy from a gas station anyways. 2) In general, concerned with the aesthetics along the highway. 3) What is the proposed height of this display? 4) Will pedestrians have to walk through the parking lot or stand in the parking lot to look at this display? Will this be a safety concern? 5) If someone purchases a big item, such as mulch and backs their truck into load it, will that cause a flow/blockage of traffic for the gas station? 6) It is already a fairly tight gas station to get into/out of and will this cause any more congestion.

**Applicant:** Jim Lilly, Spartan Stores and Tyler Bogart, Store Manager. Lilly stated he feels they have been good neighbors and have become compliant once they knew they weren't in compliance. There is only one employee at the Convenience Store at a time, so they only need one space and could park over in the large lot if necessary. When they had the storage there in the past, it did not create any problems. They made the space a little larger so that it would not be as high.

**Cyphert** is concerned with the drive area. By the pumps and store and where you have to exit the pump and a very tight spot. It is a one way and could have problems. The 20'X50' would have trouble getting a truck around there. Would be congested. Only referring to the long site in front. Question if this is the only space they have.

**Brown** has the same concerns with the highway side. With cars at the pump and having merchandise there, it is a tight area for maneuvering. Do not feel that parking in the lot and walking to the storage is viable, could be dangerous. Sees that some of the things listed that could be stored in the display are Xmas trees, wreaths, pumpkins, etc. and feel that this is not a good place for this. When he goes to the Convenience Store, he finds

that it sometimes hard to find a parking space. In the smaller space proposed certain things would work better there.

**Lilly** stated if they made the space smaller would that work for us?

**Brown** feels no matter what you took it down to it would still be a tight radius for turning.

**Cyphert** stated that this gas station has a low cost for gas compared to ones in the area and always seems busy, but unfortunately they don't have enough foot space.

**Brown** stated the Convenience Store is a good, clean store and it is a tight area.

**Bogart** spoke on what parking is available and where.

**Lilly** asked if they could keep the front space to a size of a car, would that work. In the past have not had a problem. Seems other gas stations in town that have outdoor sales make it work.

**Brown** stated that this station is a small foot print compared to others and feel storage in that area is a problem.

**Kargol** feels the display should not exceed the parking space in both locations. A lot depends on what is put there.

**Brown** stated we cannot dictate what they sell.

**Lilly** stated not planning to sell Xmas trees or wreaths, etc. Mostly will be mulch. We have 6 spaces and only need 4.

**Kargol** if it does not take up any more than what a car does it would not be a problem.

**Mays** asked if they order their mulch by a pallet or what and how many pallets would fit in the parking space.

**Bogart** stated it is ordered by the pallet and 3 pallets would fit in the space.

**Brown** asked if they have to order a whole truck load or can you do by the pallet.

**Bogart** stated they order by the pallets and do not need to order a whole truck.

**Mays** asked if there was too much for that area if they could store at the main store across the parking lot till they needed it.

**Bogart** stated that they could.

**Haven** stated that the site does not allow for that much. Glad that the fireworks has been struck from the case. Need to look at two parking spots and still leave 4 spaces and don't want to restrain them to one area.

**Lilly** stated that their thought was to maximize the convenience for the customer.

**Kargol** remembers when there was deer bait there and it was back by the dumpster area.

**Mays** agrees with what everyone is saying and if we could keep to one spot and not in front on highway.

**Urman** stated that when we approved this site we really concentrated on the turning radius and keeping the font looking clean and neat. Maybe keeping all to the back so there is not display in the front. If cars were parked there and need to load items, it would be congested.

Back in 2007 it was for a gas station and retail and not all the gambit of outdoor display storage.

**Keiser** asked if we can restrict to seasonal.

**Taylor** stated they did not ask for seasonal and what they are asking is outdoor display.

**Haven** read what they are asking for and some of the items could be seasonal and allowed for that time.

**Keiser** stated there is a handicap parking space there and if you were to displace the display spots would the handicap space stay where it is.

**Lilly** stated do not know if the handicap space can be moved.

**Cyphert** thanked Keiser for bringing up the handicap space. The proposed area that is highlighted is by the handicap spot and could be a problem to that spot. A lot of discussion has happened on this and trying to work with the applicant. If we moved the whole outdoor display storage by the dumpster site and used 2 parking spaces, it appears it would give you 400 square feet and would that work?

**Lilly** asked they are allowed 4 outdoor signs for seasonal sales and concerned with people going by on the highway and not being able to see the storage. It is our preference to have both sites, but whatever the Board wants we are willing to comply.

**Cyphert** stated that this is a very busy area and putting up more signage there would be a real concern.

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**Kargol** stated back when we bought bait, it was in the back side and no signage then. Okay with 2 parking spaces on the back side.

**Brown** is concerned with the flow as presented and feel it should be limited to the back 2 spaces. My concern is for safety and flow.

**Kargol** stated that not many gas stations in the area that are this small.

**Brown** asked if we are referring to rear spaces by the dumpster. Talked about the height of the display in this area. Would still like to have one area that can do the same thing.

**Keiser** felt that maybe the Board should wait to see how this is going to look in the back. These seasonal supplies would not be needed till next spring so there is time.

**Lilly** feels if we could compromise and have the 2 spaces in the back and willing to take this information to their bosses and let them know what the situation is.

**Brown** would be comfortable to table for the next month so that you could go back to whom you need to.

**Kargol** stated if we table we could go back there and relook and see how the two back spots would work.

**Lilly** is trying to move it along and feels it is more of a customer convenience.

**Cyphert** is willing to make a motion for the 2 parking spaces in the back.

**Gunderson** does not have a problem with the 2 spaces in the back. The people who go there know what they are buying and what's there.

**Lilly** would be happy with the 400 sq. ft. and if it could get done now.

**Cyphert** stated prior to his motion he is going to number the parking spaces for clarity. Parking space closest to the highway is #1, Handicap is #2, #3 starts on the other side of the building and then 4, 5 & 6 from there.

**Motion** by Cyphert we approve Case PSUP22-020,

Spartan Stores Fuel LLC for a "Special Use Permit for a Retail use with outdoor storage for 400 sq. ft. of display in parking space 5 & 6 (2 furthest or northerly parking spaces) on property located at 1115 N US31 Hwy., Section 16, Bear Creek Township, Tax Parcel 24-01-16-33-200-017 as shown on the site plan dated received July 22, 2022 because the standards for a retail use with outdoor storage have been met including compliance with the standards in Article 21 with conditions to include height of no more than 6 ft. on the outdoor storage. Seconded by Kargol.

**Roll Call Vote: Yes:** Brown, Haven, Gunderson, Kargol, Cyphert, Mays **Motion passed**

**Public Comment:** Keiser brought up the housing complex on Atkins Rd. and that it was shut down. Could come back in the spring, but don't know for sure. Feels that our Ordinance is not lining up with reality. Maybe we should look at our Ordinance and compare to other areas to see how they differ.

There was much exchange in regards to the housing issues in the area with Andrea and we are all in agreement that something needs to be done and willing to have the Board look into proceeding on this with a consultant and other communities if needed. We could possibly relook at our Master Plan at the same time.

**Site Plan Approval Administratively:** None

Discussed the case coming next month on the pickle ball courts.

**Joint Planning Commission Training:** Cyphert stated that the training was very good as well as Mays and Brown who attended.

Meeting was adjourned at 8:00 p.m.

**Next meeting** is Sept. 28. 2022

Respectfully submitted

Judy Mays for  
Emma Radatovich, Bear Creek Township Clerk

Jim Kargol, Recording Secretary