

**LANCASTER TOWNSHIP PLANNING COMMISSION**

**1240 Maple Avenue**

**Lancaster PA 17603**

**MEETING MINUTES – March 15, 2011**

The regular meeting of the Lancaster Township Planning Commission was held Tuesday, March 15, 2011 at the Lancaster Township Municipal Building. The meeting was called to order by the Chair, Melissa Kelly at 7:00 p.m. She led the attendees in the Pledge of Allegiance. The following members were in attendance: Bob Desmarais, Glenn Ebersole, Richard Hendricks, Melanie LeFevre, Gordon Reed and Angela Sowers. Also present Gwen Newell, Township’s representative from the Lancaster County Planning Committee, Bill Laudien, Township Manager, and Tom Daniels, Director of Planning & Zoning, and Rebecca French, Planning & Zoning Assistant. Mark Lauriello, Twp Engineer from Rettew was also present.

**APPROVAL OF MINUTES – January 18, 2011**

The LTPC approved the January 18, 2011 minutes as submitted.

**PUBLIC PARTICIPATION/COMMENTS: None**

**NEW BUSINESS**

Discussion for Zoning Change: In a letter to the Township, the owners of Fiorentino’s, Rob & Rose Billas, 1401 Columbia Ave, and adjacent property owner, Tom McDermott, 1411 Columbia Ave, requested that the zoning be changed from Office/Professional (O/P) to General Commercial (C-3.)

Mark Lauriello of Rettew commented on the rezoning petition and handed out a ‘Comparison Table’ that he developed of zoning regulations from the Lancaster Township Zoning Ordinance of the current O/P vs. proposed C-3. He also evaluated the proposal by utilizing information from several formal references:

- The Lancaster Inter-Municipal Committee’s Comprehensive Plan “Growing Together” which specifies the Future Land Use to be “Neighborhood & Enterprise Regeneration Area”
- The Township’s 2002 Comprehensive Plan.

Mr. Lauriello explained that the decisions for zoning and land use should be based on a comprehensive planning analysis consistent with the Township’s goals and objectives for land use and development.

- A review of the current zoning map reveals that there are only two other areas in Lancaster Township that are zoned C-3; tracts surrounding and including both Stone Mill Plaza and Manor Shopping Center. Both shopping centers are of significant size.
- Parking requirements based on floor space area are generally higher in the C-3 district
  - (1 space per 200 SF) than in the O/P district (1 space per 300 SF)
- A significant portion of both Columbia Avenue sites is consumed by flood plain; many of the larger uses allowed in the C-3 district would not be feasible in this location.

Mr. Lauriello suggested that the applicant may want to consider the alternative petition of rezoning to the C-2 “Composite Commercial,” as it allows some additional commercial uses that may not have as much potential to be a nuisance to the adjacent residential dwellings. This recommendation focused the discussion on establishing a definition for ‘restaurant’ and a definition of a ‘tavern’ in Lancaster Township. Neither word is defined in the Zoning Ordinance, although both words are referred to in the ‘Permitted Use’ section of C-2 and C-3

Mr. Ebersole, Lancaster Twp planning member read aloud the Permitted Uses of Regulations in the C-2 district – specifically Section 902.4, which emphasizes: **Restaurants excluding drive-through establishments and taverns.**

Mr. Billas, owner of Fiorentino’s stated that they recently were made aware that C-2 may be a better fit for the property, but his major concern is that C-2 specifically excludes ‘taverns,’ and he is concerned that he cannot get a definition of what a tavern is.

Mr. Laudien stated that the first issue that needs to be resolved is to clearly define ‘restaurant, and ‘tavern.’

The discussion opened the floor with questions regarding the ‘definitions.’

- Who will decide what the definition is for each word?
- When will the words ‘restaurant’ and ‘tavern’ be defined?
- What are the criteria for establishing these definitions?
- Are the interpretations based on sale of liquor, or food vs. alcohol?
- Are there state regulations that need to be considered?

Several residents expressed the following concerns:

- Fear of trespassers on the property
- Children swimming in the Little Conestoga River
- Concern about what the transitional area would look like if the properties are zoned commercial

### **Discussion Ensued:**

Mr. Daniels stated that the old toll house on the property will be demolished as an agreement of the Zoning Hearing Board, and that the land will be replaced with pervious ground.

Ms. LeFevre stated to the visitors and residents in attendance that she will be voting on this rezoning request as a member of the Lancaster Township Planning Commission, but that she is also a resident in the neighborhood. She expressed her concern for not wanting the restaurant to become a tavern, as it may cause a parking issue and has the potential to become a noise nuisance. (Copies of the Township’s Noise Ordinance were distributed.) She stated that the zoning for the restaurant was permitted as extending non-conforming use allowed by right and operating within a reasonable time during the sale of the property.

Ms. Kelly stated a concern about re-zoning the properties to C-3 as it is directly adjacent to a residential neighborhood on two sides. She pointed out that the only two areas in Lancaster Township are Manor Shopping Center and Stone Mill Plaza, and both of those C-3 zoned areas have a buffer between the residential neighborhoods.

Mr. Billas stated that his primary motivation for the rezoning request is based on the viability of selling the property because there's always been a bar or restaurant on the property, a future owner may want to expand opportunities.

Mark Lauriello stated that if C-2 is to be considered, it should be discussed at another LTPC meeting. Mr. Lauriello stated that this process requires a change in the text amendment of the Township's Zoning Ordinance. When the definitions are approved by the BOS – the text in the Township's Zoning Ordinance would need to be rewritten. The LTPC will act on those recommendations at the next meeting.

Gwen Newell stated that in order for the Lancaster County Planning Commission to change the LCPC's agenda to consider C-2 at the upcoming meeting, a request for the zoning change would need to be sent to the LCPC by Thursday, March 24, 2011. Mr. Daniels stated he would have the C-2 instead of C-3 request change for the LCPC by the next morning March 16, 2011.

Mr. Hendricks stated that the LTPC would first check on the State level to see if the terms 'restaurant' and 'tavern' are defined. He recommended that once the definitions are in place that the applicants consider the C-2 zoning..

**Mr. Desmarais motioned to table the applicants rezoning request to C-3 to C-2 for a future LTPC meeting and until the definitions and the text amendments are approved. Mr. Hendricks seconded the motion. Motion carried.**

#### **OLD BUSINESS:**

Status of the Chesapeake Bay Foundation Grant:

Grant is still pending. Mr. Laudien thanked Mr. Hendricks for his assistance presenting the grant info to the delegates of Chesapeake Bay Foundation.

#### **Historical Commission Update:**

Mr. Daniels reported

- Due to HC member's terms expiring and resignations, the Twp needs to fill vacancies
- Also need to replace LTPC liaison on the Historical Commission
- The Township's Board of Supervisor's priority is to identify and complete the historical resource inventory
- Township applied for a grant to be used exclusively to complete the historical inventory
- New locked jewelry case was purchased and is in Township lobby for Twp artifacts
- Arrangements are being made to place a table, chairs, a lamp and another bookcase in the corner of the large meeting room for the general public to use for Township historic research
- Certain hours would apply

**Announcements:**

The Lancaster Township Volunteer Recognition Dinner will be held on Wednesday, April 6, 2011 and starting at 6:00 p.m. at the Conestoga Country Club. This year there will be recognizing Edwina Coder and her contributions to the Township as a member of the Lancaster Township Planning Commission.

Melissa Kelly stated that she spoke with Millersville Borough and that they would prefer that the Lancaster Township members attend one of the Borough's public meetings – to discuss the property at the intersection of Wabank Rd and Rt. 741.

Mr. Desmarais asked new LTPC member, Angela Sowers, if she would be interested in being on a subcommittee with F&M and Manheim Twp to examine and discuss conservation uses.

**Resident Suggestion:**

Ms. Kelly stated that a resident approached her about the Township organizing a “street tree replacement program.” She stated that perhaps the Twp could work out a voucher with Stauffer's as an incentive to replace trees. Mr. Reed stated that the City of Lancaster replaces trees, and that the Township could invite the City's arborist to a LTPC meeting to discuss the process. Ms. Newell said she would look into the City's tree program and report back to the Township.

**ADJOURNMENT: 9:00 PM**

The next meeting will be held on Tuesday, April 19, 2011 at 7 PM

Respectfully submitted,

Bob Desmarais

cc: Supervisors