

MINUTES  
WEST MANCHESTER TOWNSHIP  
PLANNING COMMISSION  
DATE: December 12, 2017

The meeting was called to order by Richard Gordon at 7:00 p.m. Members present: Fred Walters, Ronald Ruman, Patrick Hein and Ronald Stare. Others present: Rachelle Sampere, Township Zoning Officer; Craig Wilson, Township Engineer; Zane Williams, Township Storm Water Inspector

**APPROVAL OF MINUTES**

**MOTION:** by Fred Walters to approve the November 14, 2017 meeting minutes

**SECOND:** by Ronald Stare

**MOTION PASSED:** Unanimously (5 - 0)

**ZONING HEARING BOARD CASES**

**Extension of ZHB Case 17-07 Peter Margetas c/o Karystos, LLC 1990 Carlisle Road, York, PA** - Variance of Section 150-112 & Section 150-89.C to exceed the allowable lot coverage and reduce the required rear parking dimension. Extension for one year.

The Zoning Officer stated that the township received a letter dated November 17, 2017 from Mr. Margetas requesting a time extension for the previously approved zoning hearing board case because the six-month time frame was about to expire. The applicant purchased the property at the end of October 2017 and is seeking bids for the proposed land development plan and reverse subdivision plan. Mr. Stare asked if the applicant was asking for any modifications to the previously approved variance request. Ms. Sampere stated that was not the case; the applicant was asking for a time extension because the property was not sold to him as promptly as he originally anticipated.

**MOTION:** by Ronald Stare to recommend approval of the one-year extension request for ZHB Case 17-07, as previously granted by the West Manchester Township Zoning Hearing Board at its June 29, 2017 hearing.

**SECOND:** by Patrick Hein

**MOTION PASSED:** Unanimously (5-0)

**ZHB Case 17-11, Andato, LLC, 2590 Monroe Street, York, PA** - requests a Variance to allow three (3) commercial businesses/tenants on a lot used for one (1) principal use (Section 150-86) located at 1901 West Market Street (Tax Map: 04; Parcel: 0329) in a Local Commercial (LC) zone.

Attorney Andrew Miller of MPL Law Firm presented the variance request. Mr. Miller introduced the property owner, Mr. Robert Rauhauser, to the planning commission members. Mr. Miller stated that the request was to vary from Section 150-83 to allow three (3) tenants/separate commercial uses on an existing lot located in the Local Commercial (LC) zone. Mr. Miller reminded the planning commission members that the Local Commercial zone allows smaller businesses in the district and explained that using the property for three (3) separate smaller commercial businesses would be more appropriate than permitting one tenant on the property. Mr. Miller stated that the owner already has one tenant lined up for the rear tenant space, Wanda's Twirlers, which would be relocating from 7 North Diamond Street. The use is classified as a Commercial School by the zoning ordinance. Mr. Miller explained that he spoke with

the Zoning Officer about the parking spaces required for commercial schools. The ordinance states that *the Zoning Officer shall determine the number of parking spaces required using those ratios prescribed for other schools and educational facilities. Schools below grade 10, including commercial day care and kindergarten require one (1) parking space per six (6) students enrolled.* The Zoning Officer applied this part of the ordinance when calculating the required parking spaces for the rear tenant space. Mr. Miller stated that for the proposed additional two (2) tenant spaces, the parking requirement should be one (1) space per 300 square feet of gross floor area. This would limit the property owner to market the tenant spaces for personal service, office or financial institution. Mr. Hein asked where the current parking is located on the property. Mr. Miller explained that there are five (5) parking spaces located to the rear of the property that would service the Commercial School tenant space. The remaining seven (7) off-street spaces are located to the front of the building on the West Market Street side. Two (2) of the seven (7) parking spaces are handicapped parking spaces. Only one (1) handicapped parking space is required for a parking lot having up to twenty-five (25) parking spaces. Mr. Rauhauser explained that the building currently sits on the side property line between 1901 West Market Street and the apartments. He explained that increasing the size of the parking area to the rear of the building is not possible because the building already sits on the property line. Mr. Gordon mentioned that the parking situation is a concern because the residents currently living on North Diamond Street should not have to compete for parking spaces that the potential three (3) tenants may occupy. Mr. Miller explained that the Commercial School would not be operating the same business hours as the proposed additional two (2) tenants. Wanda's Twirlers, conducts one-hour training sessions on Monday and Tuesday evenings from 5:30 p.m. to 6:30 p.m. There are approximately fifteen (15) students per session with a total enrollment of approximately thirty (30) students. Private training sessions, by appointment only, are scheduled on Monday, Tuesday and Wednesday with no more than three (3) students and three (3) instructors at any one time. Wanda's Twirlers would like to also operate on Saturday mornings with the same class sizes as Monday and Tuesday evenings. Mr. Miller explained the Commercial School, operating in the evenings and on Saturday, would not interfere with parking for the proposed two (2) tenants during normal business hours. Mr. Gordon asked what the permitted uses were for the Local Commercial zone. Ms. Sampere read the list of the permitted uses, as outlined in the current zoning ordinance. Mr. Miller explained that due to the limited sizes of the additional two (2) tenant spaces, the property owner would like to market the space for office (business and professional) and/or financial institutions. Mr. Stare cautioned the planning commission members with regards to the parking requirements for those permitted uses and asked what the most restrictive parking requirement was for the permitted uses. Mr. Miller explained that one (1) space per 300 square feet of gross floor area would be the most restrictive requirement. Mr. Ruman stated that it is difficult to recommend approval of a variance without knowing what permitted uses would be going into the building because once a variance is granted, it cannot be retracted. Mr. Walters asked if there is parking along North Diamond Street. Mr. Rauhauser said there is parking along both sides of North Diamond Street. Mr. Ruman asked if the parking would be an issue if the variance request would be for one (1) additional tenant instead of the proposed two (2) additional tenants. Mr. Miller stated allowing two (2) uses on the property instead of three (3) may cause more of an adverse effect because the permitted uses are limited in nature and the combined space is larger than a total of two (2) tenants may need.

**MOTION:** by Ronald Ruman to recommend the Zoning Hearing Board approve the increased number of permitted uses from one (1) to the proposed three (3) subject to the property owner requesting a variance from the parking requirement and the uses occupying the property not exceed twenty (20) parking spaces. If the permitted uses change, or if the tenants change and the required number of spaces cannot be met, the property owner must request a new variance from the parking requirement.

**SECOND:** by Patrick Hein

**MOTION PASSED:** 4-1 (Ronald Stare opposed)

**NEW BUSINESS**

**T-833 Final Subdivision Plan for Edward L. Wilt**

David Hoffman of D. A. Hoffman Land Surveyor presented the proposed final subdivision plan which proposes to subdivide an existing 0.5738-acre lot and convey approximately 0.111 acre to an existing adjoining lot. Mr. Hoffman stated that the property owner, Mr. Wilt, wants to move the property line to increase the size of his lot. Mr. Gordon asked if Mr. Wilt was the owner of both the existing lots. Mr. Hoffman confirmed that Mr. Wilt owns both lots involved in the subdivision. Mr. Ruman asked if both lots would be in conformance with the zoning ordinance if the subdivision was approved. Mr. Wilson confirmed that both lots would be in conformance with the current zoning ordinance. Mr. Hoffman explained that he is asking for four (4) waivers.

The following waivers were discussed:

1. **§121-13.C.1** Show existing contours on the site.
2. **§121-14.C.3** Provide existing features within 200' of the site.
3. **§121-23.C** Improvements should be made to the existing road.
4. **§121-25** Sidewalks shall be placed along all road frontages.

There are ten (10) outstanding comments:

1. **§121-14.C.2; 121-15.C** Adjacent landowners and recorded plans. Christopher M. Creelman should be changed to Christopher M. Blanchard.
2. **§121-14.12** Location and material of monuments and markers. All corner markers for Lot #2 should be shown on the plan.
3. Revise Church Road to T-856 with a right-of-way of 50'.
4. Revise lot table to show existing Lot 1.
5. **§121-23.J** A dedicated right-of-way of 30' from the centerline should be provided.
6. **§121-28.D** Utility easements shall have a minimum of 20'.
7. **§121-15.F** The signatures and seals of the individuals responsible for the plan shall be affixed to the plan prior to approval by the Board of Supervisors.
8. **§121-15.F.4** The notarized signature of the owner(2) shall be affixed to the plan prior to approval by the Board of Supervisors.
9. All administrative items shall be addressed prior to the plan recording. (Payment of all invoices, etc.)
10. All final plans, as recorded, shall be submitted in electronic format (i.e. PDF).

**MOTION:** by Ronald Stare to recommend the Board of Supervisors approve the plan as submitted with the requested waivers and the outstanding ten (10) comments be addressed.

**SECOND:** by Ronald Ruman

**MOTION PASSED:** Unanimously (5 – 0)

Meeting adjourned at 7:53 p.m.