

MINUTES
WEST MANCHESTER TOWNSHIP
PLANNING COMMISSION
DATE: November 14, 2023

The meeting was called to order by David Beecher at 7:00 P.M. Members present: David Beecher, Patrick Hein, Richard Gordon and Fred Walters; Others present: Rachelle Sampere, Township Zoning Officer and Rainer Niederoest, Dawood Engineers; Member Absent: Jennifer Smith-Funn

Tonight's Planning Commission meeting was held in person and broadcasted live over Zoom for viewing purposes only. The Zoom link was posted on the West Manchester Township website under "Latest and Breaking News". Questions and comments were not taken over the Zoom forum.

APPROVAL OF MINUTES

MOTION: by Fred Walters to approve the October 10, 2023, meeting minutes.

SECOND: by Patrick Hein

MOTION PASSED: 3-0 (Abstain – Gordon)

ZONING HEARING BOARD CASES

ZHB 23-20 – Christopher Lewis & Jeff Lewis – request a special exception §150-290 to substitute a nonconforming use (manufacturing use) with another nonconforming use (retail sales in excess of 2,400 square feet) **located at 44 Hokes Mill Road** (Tax Map: 04; Parcel: 0369) in the Local Commercial Zone.

Attorney Peter Wertz of McNees, Wallick and Zurich presented the special exception application. Also in attendance were the property lessees, Christopher Lewis and Jeff Lewis. Attorney Wertz explained that the overall property is located in the I-2 Light Industrial Zone and the Local Commercial Zone. The leased area to the north of the property is situated in the Local Commercial Zone where retail sales are permitted at a maximum sale or display area of 2,400 square feet. The subject lease area was formerly occupied by 2 the Tee Outfitters from February 2016 until January 2022, specializing in manufacturing and retail sales of customized t-shirts, uniforms and similar items. The lease area was subsequently occupied by Elite Sportswear, a manufacturer and retailer of gymnastics leotards, uniforms and apparel between February 2022 and June 2023. Both uses were nonconforming uses. The special exception request is to substitute an existing nonconforming use (manufacturing and retail sales) with another nonconforming use (retail sales in excess of 2,400 square feet). Mr. Lewis' business, Lew All Fitness Solutions, LLC, proposes to occupy the 9,600 square foot tenant space, utilizing approximately 4,402 square feet of the building for retail/sales of fitness equipment such as: treadmills, stationary bikes, ellipticals, strength equipment, and assorted new and used parts. The remainder of the building will be used as offices and support for the business. Mr. Lewis explained that the business started as online sales, but in order to sell the equipment, some dealers require the equipment to be showcased, so physical space is needed. Due to the size of the equipment, safety around the equipment, and the need for a variety of items to be shown, more space is required for sales and display than what the Zoning Ordinance allows in the Local Commercial Zone. The applicant proposes to utilize the existing dock for deliveries. Mr. Lewis explained that the business will continue to generate online sales where the equipment will be shipped directly to the customer; however, there will be some storage of equipment on the leased property. The applicant proposes the majority of repairs to take place off-site at the customer's home. The applicant believes the proposed use is more compatible with the surrounding properties than the former manufacturing use on the property. The number of deliveries and customers will be less than the former occupants. The applicant explained that this is a specialty store, where specific clientele will visit. There are a minimum of 30 parking spaces for use by the leased building. Customers will enter the building via the door adjacent to the parking lot. Customers will not have access to the building from Hokes Mill Road. There are

no proposed building additions. Stormwater management is not required.

Zoning Officer Sampere explained that since the property abuts a PennDOT road, the applicant should contact PennDOT to confirm the existing highway occupancy permit is adequate for all the uses on the subject property.

MOTION: by Patrick Hein to recommend the Zoning Hearing Board grant the special exception requested subject to the following:

1. The applicant must contact PennDOT to verify there is an existing legal highway occupancy permit for the subject property since Hokes Mill Road is a State Road.
2. The maximum area for retail sales may not exceed the proposed 4,402 square feet area depicted in the floor plan included in the Zoning Hearing application.
3. The applicant must provide a loading zone for deliveries.
4. The Applicant must submit a New Business Registration form (and a building permit application for any proposed construction/renovations including the installation of any signs prior to beginning construction) in order to request the required inspections prior to the issuance of a Certificate of Occupancy.

SECOND: Fred Walters

MOTION PASSED: 4-0

ZHB 23-21 – 3108 W Market Street LLC c/o Travis Martin – requests a variance §150-283.B Permitted Permanent Sign Chart P-8D to increase the permitted number and size for attached signs located at 3108 West Market Street Unit (Tax Map: 20; Parcel: 0114) in the R-3 Residential Zone.

Mr. Derek Klugel of Mundorf Sign Company presented the application on behalf of 3108 W Market Street LLC and Mr. Travis Martin. The request is to install a 6'x18' (irregular-shaped) internally illuminated attached wall sign on the existing tenant space. The commercial building is an existing nonconformity situated in the R-3 residential zone. Previously, the former auto parts store had a 66 sq. ft. attached wall sign installed on the building. The sign has been removed from the building more than one year ago. There is currently an attached wall sign on the building for the existing Jiu Jitsu tenant space. In the R-3 Residential Zone, only one attached wall sign is permitted on a building at a maximum area of 20 square feet. The applicant is requesting to install a wall sign for Chesapeake Plumbing & Heating on their tenant space at 108 square feet so it is visible from West Market Street. The wall area to which the sign will be affixed is 39'9"W x 25'H. The existing building is situated approximately 72 feet from West Market Street. The applicant believes the proposed size of the sign is necessary to be visible from West Market Street.

MOTION: by Patrick Hein to recommend the Zoning Hearing Board approve the variance request subject to the following conditions:

1. The variance requested is for Unit 3142 only.
2. The maximum size of the proposed attached wall sign may not exceed 108 square feet.

SECOND: Richard Gordon

MOTION PASSED: 4-0

NEW BUSINESS

Rezoning Request from Jordan Chronister – to rezone one parcel of land from the Open Space Zone to the R-3 Residential Zone along **Log Cabin Road** (UPI #: 51000130005A00000). Review/Action.

Township staff received a rezoning request from Mr. Jordan Chronister dated September 18, 2023. The Board of Supervisors has requested that the West Manchester Township Planning Commission and the York County Planning Commission review the rezoning request and provide them with recommendations for consideration.

Mr. Chronister was not in attendance to present the request; however, the rezoning request letter was provided to the Planning Commission members accompanied by a memo from Zoning Officer Sampere. Township staff believe that this parcel should be rezoned to R-3 Residential given that the adjacent parcels on the street are currently zoned R-3 Residential. Mr. Samuel Einstein joined the meeting using the Zoom app and addressed the Planning Commission with his concerns. Typically, the Zoom app is used strictly for viewing purposes and the functions are muted. Interested parties must attend the public meeting in person to discuss matters. The function was not muted, however, and Mr. Einstein mentioned his concerns to the Planning Commission members: That there is a hole for the golf course on the subject property, will that be relocated? Shouldn't the Township consider keeping land in Open Space rather than rezone it for development? Isn't that the purpose of the Open Space Zone? The Planning Commission members discussed the letter and memo and agreed that this parcel appears to have been zoned inappropriately in the past, probably due to its being owned by the golf course. It appears that the more appropriate zoning classification is R-3 Residential due to its location and the adjacent residentially zoned properties on Log Cabin Road.

MOTION: by David Beecher to recommend the Board of Supervisors rezone the subject parcel from Open Space to R-3 Residential Zone.

SECOND: Richard Gordon

MOTION PASSED: 4-0

T-882 Preliminary/Final Land Development Plan for Mister Car Wash #2516 – to depict a drive-through car wash facility located at 1410 Kenneth Road (Tax Map: 30; Parcel: 25) in the Highway Commercial Zone. Briefing.

Mr. Nick Johnson of Mister Car Wash briefed the Planning Commission members on the proposed development. The subject parcel will be approximately 1.19-acres consisting of a tunnel car wash, 13 vacuum stalls, a trash enclosure and associated landscaping. Mr. Johnson explained that the applicant will be submitting a subdivision plan to create the lot on which the car wash will be constructed. The current plan was submitted only as a land development plan. The subdivision plan would be reviewed in conjunction with the land development plan. The proposed car wash would be situated in a portion of the existing Carpet/Tile Mart parking lot adjacent to the existing Advanced Auto store. The applicant is currently working with a surveyor to obtain an accurate survey to address many of the outstanding comments received during the in-house staff review. The applicant plans to resubmit the plan set at the end of November and return to the Planning Commission on December 14, 2023, addressing the majority of the current comments. No action was taken on this plan at tonight's meeting.

T-883 Preliminary/Final Land Development Plan for Proposed Contractor's Office for Mease Out, LLC – to depict an office facility located at 85 N. Fayette Street (Tax Map: 05; Parcel: 0163) in the Local Commercial Zone. Review/Action.

Mr. Neal Metzger of Site Design Concepts presented the preliminary/final land development plan. Mr. Metzger reminded the Planning Commission that this site was formerly a bowling alley and later, the Mr. Q's skating rink site. The site was damaged by fire in 2022. Mr. Barry Mease of BLM Construction purchased the property, obtained Zoning Hearing Board relief for various dimensional nonconformities and submitted the land development plan for the proposed 9,000 sq. ft. contractor's office with 5,152 sq. ft. indoor storage area, fenced in outdoor parking area, loading area and revised parking lots for the site. The parcel is 100% impervious; however, the Zoning Hearing Board requested that the property owner reduce the existing impervious coverage by adding green space along the intersection of North Fayette Street and West Philadelphia Street. The proposed lot coverage has been reduced to 93%, approximately 38,640 sq. ft. The plan depicts proposed curbs along North Fayette Street and West Philadelphia Street which will help define the edge of the property and improve the traffic situation. There will be a fenced area of the property where

the applicant will store business vehicles and trailers. There will not be any outdoor storage of construction materials.

MOTION: by Patrick Hein to recommend the Board of Supervisors grant the following requested waivers:

- W1. §121-9. Preliminary Plan.
- W2. §121-14.F.1. Traffic Impact Statement.
- W3. §121-23.L.6 Clear Sight Triangles
- W4. §121-25 Sidewalks.

SECOND: Richard Gordon

MOTION PASSED: 4-0

MOTION: by Richard Gordon to recommend the Board of Supervisors approve T-883 Preliminary/Final Land Development Plan for Proposed Contractor's Office for Mease Out, LLC subject to the following comments being addressed prior to the plan being recorded:

Zoning Ordinance:

1. §150-251. Minimum space sizes. During a meeting with the applicant and the applicant's engineer, it was discussed that the existing parking space sizes were smaller than what is required by the current Zoning Ordinance. The proposed parking spaces are larger than the existing parking spaces. The applicant notes that the existing parking spaces are an existing nonconformity. This should be noted on the title sheet of the LD plan. Furthermore, §150-289.B states: "Any dimensional nonconformity may be reduced by permitted use." The applicant is reducing the existing dimensional nonconformity by increasing the parking space sizes.

Subdivision and Land Development Ordinance:

1. §121-10.A.3 ... building construction plans, including identification of unusual fire hazard potential and private hydrant/sprinkling systems, shall be submitted to the appropriate fire company. Address any fire department comments.
2. §121-14.B.9.A A statement on the plan identifying...any nonconforming structures/uses. Please list the existing nonconformities on the Title Sheet of the LD plan (ie. building/parking lot setbacks, building height prior to destruction by fire (demolition), existing parking space sizes, etc.)
3. §121-14.D.14 & §121-15.D The statement on the plan indicating any proposed waivers must be revised, prior to recordation of the plan, to acknowledge the outcome of the requested waivers.
4. §121-14.D.6 & §121-15.D Any existing and proposed easement must be shown on the plan. An access easement and a use and maintenance agreement should be provided for the adjacent use's parking spaces located on the proposed site.
5. §121-14.F Impact statements. Provide traffic impact statement or request a waiver.
6. §121-14.G.3 Certifications and notifications. Applicable plan notations. Include the future improvements note.
7. §121-15.F.4 The plan must be signed by all the owners of the land and contain a notarized statement of the owners' intent.
8. §121-15.F.8 When required, verification must be provided that the plan for erosion and sediment control was approved by the York County Conservation District.
9. §121-17 Financial security. Final plan applications that include public improvements that have not been installed shall include financial security... Please submit a financial security estimate for the Township Engineer to review for all public improvements not installed prior to recording the plan and submit an irrevocable letter of credit or escrow check for the approved security amount.
10. §121-19 Maintenance guaranty. The Board of Supervisors shall require the applicant to submit a maintenance guaranty or other approved guaranty as specified herein, guaranteeing the structural integrity as well as function of any improvement shown on the final plan for a term not to exceed 18

months from the date of dedication by the Board of Supervisors. Said guaranty shall not exceed 15% of the actual cost of installation of said improvements.

11. §121-21 As-built plans. Prior to the issuance of occupancy permits, the applicant shall submit an as-built plan showing the location, dimension and elevation of all public improvements... Two (2) copies of the plan shall be submitted to the Township, which shall distribute 1 copy to the Township Engineer and retain 1 copy for the Township files.
12. §121-23.L.6.b & §121-23.R.3 & §42-9.D Clear sight triangles are required to be shown at all street intersections and access drive intersections with public streets.
13. §121-23.R.3 & §121-23.M Sight distance. Indicate on the plan the required and actual sight distances.

General Comments:

1. The project is exempt from stormwater management site plan preparation requirements of the Stormwater Management Ordinance. The stormwater review certificate on plan sheet C-1 is not required.
2. General construction notes 13, 14, 19 and 24 on sheet C-2 don't appear applicable to this project. Please review and revise as appropriate.
3. 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. (§121-15.F)
4. The notarized signature of the owner(s) shall be affixed to the plan prior to approval by the Board of Supervisors. (§121-15.F.4)
5. All administrative items shall be addressed prior to the plan recording (payment of all invoices, etc.)
6. All final plans, as recorded, shall be submitted in electronic format (i.e. PDF). The plans shall contain all signatures, seals, recording information, etc.
7. A Knox box will be required on the building.

SECOND: Fred Walters

MOTION PASSED: 4-0

DISCUSSION

Zoning Officer Sampere reminded the Planning Commission members that there will be a public meeting/open house on Monday, November 20, 2023, from 7:00 p.m. until 8:30 p.m. to gain public input related to zoning, planning, sanitary sewer, stormwater management, public utilities and recreation as part of the Township's Comprehensive Plan process. The Comprehensive Plan is still in the data collection phase. Future public meetings will be advertised and held in accordance with the MPC.

ADJOURN

MOTION: by Fred Walters to adjourn the meeting.

SECOND: by Richard Gordon

MOTION PASSED: 4-0

The meeting was adjourned at 8:10 p.m.