

MINUTES
WEST MANCHESTER TOWNSHIP
PLANNING COMMISSION
DATE: September 10, 2024

The meeting was called to order by David Beecher at 7:00 p.m.

ATTENDANCE

Planning Commission Members:

David Beecher, Chairman – Present
Patrick Hein, Vice-Chairman – Absent
Felicia Dell – Present
Fred Walters – Absent
Matthew Biehl – Present

Staff:

Rachelle Sampere, Zoning Officer – Present
Rainer Niederoest, Dawood Engineers – Present

Tonight's Planning Commission meeting was held in person and broadcasted over Zoom.

APPROVAL OF MINUTES

MOTION: by Matthew Biehl to approve the August 13, 2024, Planning Commission meeting minutes.

SECOND: by Felicia Dell

MOTION PASSED: Unanimously (3-0)

ZONING HEARING BOARD CASES

ZHB 24-10 Sheetz, Inc. – requests a variance §150-324.F to allow a drive-through on a property that is located within 200 feet of residentially-zoned land **located at 1484 Carlisle Road** (Tax Map: 07; Parcel: 0138) in the Highway Commercial Zone and the R-3 Residential Zone.

Mr. Joseph Gurney, RLA, PLA of First Capital Engineering and Mr. Brian Soyka of Sheetz presented the variance application. Mr. Gurney explained that the property was developed in 1998 consisting of a 1,446 sq. ft. convenience store with 16 fueling positions. The applicant is proposing to submit a land development plan depicting the demolition of the existing store, canopy and pumps, and the construction of a 6,139 sq. ft. convenience store with a canopy and 10 fueling positions, 40 parking spaces and a drive-through similar to what was recently constructed along Baker Road and West Market Street in West Manchester Township.

The subject property is located within two zoning districts: R-3 Residential and Highway Commercial. The applicant is requesting a variance of §150-324.F to allow a drive-through to be located within 200 feet of residentially zoned land. Since the subject property is dual-zoned, the drive-through facility is proposed to be located within the R-3 Residential zoning district on the property. Mr. Biehl asked how far the proposed drive-through would be from an existing residential structure. Mr. Gurney explained that the proposed drive-through lane would be 152.19 feet from the Rageotte's property line. Mr. Soyka offered that this drive-through facility is not like a typical fast-food drive-through facility. Everything is ordered through a phone application. There are no speakers that would cause an adverse effect on the surrounding properties. Anything that is available for purchase inside the store is available through the Sheetz app. Dr. Beecher reminded the Planning Commission that traffic at the intersection of Carlisle Road and Brougner Lane is of great concern. Mr. Gurney explained that a traffic study would be prepared and submitted as part of the land development plan process. The Planning Commission asked if staff had any concerns regarding the application. Ms. Sampere offered that during her review of the Zoning Exhibit

Plan she noticed that the proposed dumpster was shown in the R-3 Residential zone and must be relocated to comply with §150-116 which requires that dumpsters used for domestic garbage may be permitted in the side or rear yard, provided that such dumpsters are screened from any adjoining roads or properties. All dumpsters shall be set back a minimum of 35 feet from any adjoining residentially zoned properties and 10 feet from all other lot lines.

MOTION: by Matthew Biehl to recommend the Zoning Hearing Board grant the variance request subject to the following conditions:

1. The proposed dumpster location shown on Sheet Z-02 of the Zoning Exhibit Plan for Sheetz Store #255 – Rebuild must be revised to comply with §150-116 which requires that “Dumpsters used for domestic garbage may be permitted within the side or rear yard, provided that such dumpsters are screened from any adjoining roads or properties. All dumpsters shall be set back a minimum of 35 feet from any adjoining residentially zoned properties and 10 feet from all other lot lines.
2. The Applicant shall provide a description of a working plan for the cleanup of litter and include it on the land development plan when submitted.
3. All exterior seating shall be completely enclosed by a three-foot-high fence and those details shall be included on the land development plan when submitted.

SECOND: by Felicia Dell

MOTION PASSED: Unanimously (3-0)

ZHB 24-11 Shiny Shell Car Wash – requests a variance §150-283.B Permitted Permanent Sign Chart P-9D to increase the allowable sign area for attached signs for individual uses within a shopping center **located at 715 Town Center Drive** (Tax Map: JH; Parcel: 0124) in the Regional Commercial Zone.

Mr. Ron Thomas of Strickler Signs presented the variance application on behalf of Shiny Shell Car Wash and Yesco. The variance request is to allow an attached sign on the south elevation exceeding the allowable $\frac{1}{4}$ square foot per 1 linear foot of wall onto which the sign is to be affixed. Due to the linear footage of the south wall, the maximum area of an attached sign would be 10 sq. ft. This would render the sign illegible from Route 30 and Carlisle Road. To determine the height of the sign necessary for safe sight, the applicant utilizes the distance from the sign to the roadway and the mile per hour travelled by vehicles on said road. The applicant explained that due to the speed of the vehicles a driver would need approximately 600-700 feet to read the sign safely. The applicant has determined that an attached sign of 95 sq. ft. would be appropriate for this location.

MOTION: by Felicia Dell to recommend the Zoning Hearing Board grant the requested variance subject to the following condition:

1. The maximum sign area on the southern façade may not exceed 95 square feet.

SECOND: by Matthew Biehl

MOTION PASSED: Unanimously (3-0)

ZHB 24-12 Johanna Cruz-Ortiz – requests a special exception §150-289 and a variance §150-289.A.8 to expand an existing nonconforming use (racquetball and health club) to include a commercial school for fitness (Pole Zen Flows) **located at 1785 Loucks Road** (Tax Map: 29; Parcel: 0138) in the Light Industrial Zone.

Ms. Johanna Cruz-Ortiz presented the special exception and variance request to the Planning Commission. Ms. Ortiz explained that she is going to lease a 1,150 sq. ft. tenant space to the rear of the Athletic Club

of York building for a commercial school for fitness, Pole Zen Flows, to add a dance fitness studio for pole yoga, pole pilates, and fitness pole dancing. Previously, the space was occupied by a MMA martial arts tenant. Zoning Officer Sampere explained that the York Racquetball and Health Club dba the Athletic Club obtained a special exception in 1981. A health club/fitness club is not a permitted use in the Light Industrial Zone; however, the expansion of a nonconforming use may be obtained through a special exception provided that it meets the criteria listed in §150-289.A for the expansion or alteration of a nonconforming use. §150-289.A.2 states: "The expansion shall not result in the addition of a second nonconforming use on the property, nor shall the proposed expansion be owned by someone other than the owner of the original nonconforming use proposed to be expanded." Since Ms. Cruz-Ortiz is not the original owner of the original nonconforming use, and she is the owner of a separate business, Pole Zen Flows, a variance of this section is required. Ms. Cruz-Ortiz is not employed by the Athletic Club, she is a separate business owner. Zoning Officer Sampere further explained that it has come to the Township's attention that the property was only being billed for one commercial sewer bill despite their being multiple separate tenants in the building on the lot. Currently, the building is occupied by three separate businesses: the Athletic Club, Chiropractic Athletic Center and the York Medical Spa. Township staff is in the process of working with the property owner to begin billing sewer for the number of commercial units on the property. Should Ms. Cruz-Ortiz's request for a special exception and variance be granted, the property owner would be responsible for paying an additional sewer bill for the commercial unit.

MOTION: by Matthew Biehl to recommend the Zoning Hearing Board grant the special exception and variance subject to the following conditions:

1. The property owner will be responsible for paying a commercial sewer bill for the proposed Pole Zen Flows unit.
2. Any signs for the proposed Pole Zen Flows unit must be in conformance with the current Zoning Ordinance or additional relief from the Zoning Hearing Board must be obtained.

SECOND: by Felicia Dell

MOTION PASSED: Unanimously (3-0)

NEW BUSINESS

T-888 – Preliminary/Final Land Development Plan for Proposed Flex Industrial Building for 1850 Lemon, LP – to depict the re-development of the parcel for a proposed industrial flex building and associated improvements on a 7.328-acre parcel **located at 1850 Lemon Street** (Tax Map: IH; Parcel: 0030B) in the General Industrial (I-3) Zone. *Tabled at the August 13, 2024, meeting by request of the applicant.* Review/Action.

Mr. Robert Sandmeyer of Site Design Concepts made a brief presentation to the Planning Commission members explaining that the proposed preliminary/final land development plan. Mr. Sandmeyer explained that the applicant plans to demolish the existing 68,000 square foot building and construct a 73,500 square foot flex building to be occupied by multiple tenants. The land development plan also depicts curb improvements, stormwater management alterations, parking lot improvements and landscaping. The applicant is preparing to submit a variance application for relief from the floodplain management ordinance due to the location of a proposed stormwater headwall. Mr. Sandmeyer explained that the applicant is currently working with Traffic Planning and Design to address requirements for a traffic impact assessment. The applicant is working to address comments received during their in-house staff review in order to resubmit the plan for review at a future planning commission meeting.

No action was taken by the Planning Commission.

Sewer Planning Module Exemption Mailer for Weis Markets Gas 'N Go 1800 Roosevelt Avenue – Motion to approve, revise, table or deny a sewer planning module exemption mailer submitted by Joseph M. Gurney, RLA, PLA of First Capital Engineering on behalf of Weis Markets Gas 'N Go located at 1800 Roosevelt Avenue (Tax Map: JH; Parcel: 19F0C0001) in the Highway Commercial Zone. The applicant is proposing 1 additional EDU to flow to the PA American Water sewer treatment facility (former York City Wastewater Treatment Plant). Review/Action.

Mr. Joseph Gurney, RLA, PLA, of First Capital Engineering presented the sewer planning module exemption mailer for Weis Markets Gas 'N Go for the property at 1800 Roosevelt Avenue. Mr. Gurney explained that the existing gas kiosk does not have a restroom for the employee. The sewer planning module exemption mailer is necessary to obtain one additional EDU for the property prior to constructing a restroom addition onto the kiosk. There would be a new sewer connection on the site near the existing Dairy Queen property. The applicant plans to connect to the public sanitary sewer during the building permit process. The restroom will not be open to the public. It will be for employee use only. The request is for recommendation for the Board of Supervisors to approve the request so the sewer planning module exemption mailer may be forwarded to the Pennsylvania Department of Environmental Protection for their review.

MOTION: by Felicia Dell to recommend the Board of Supervisors approve the request to forward the sewer planning module exemption mailer to the Pennsylvania Department of Environmental Protection for their review.

SECOND: by Matthew Biehl

MOTION PASSED: Unanimously (3-0)

T-897 Preliminary/Final Land Development Plan for Trimmer Campus Improvements for West York Area School District – to depict the proposed construction of a parking lot and field house, the resurfacing, addition and replacement of associated athletic fields and features and other associated improvements located at 1900 Brenda Road (Tax Map: JG; Parcel: 0060B) in the Open Space Zone. Review/Action.

Zoning Officer Sampere informed the Planning Commission members that she had received a request from the Applicant to table the preliminary/final land development plan for the Trimmer campus improvements so the Applicant's Engineer could address the comments received from staff during the in-house review in preparation for resubmission of the plans.

MOTION: by Felicia Dell to table the preliminary/final land development plan for Trimmer Campus Improvements for West York Area School District as per the applicant's request.

SECOND: by Matthew Biehl

MOTION PASSED: Unanimously (3-0)

T-898 Preliminary/Final Land Development Plan for Main Campus Improvements for West York Area School District – to depict the proposed construction of a new track, new parking, improved vehicular circulation, new athletic fields, stormwater management facilities and associated improvements located at 1800 Bannister Street (Tax Map: 02; Parcel: 0069) in the Open Space Zone and Local Commercial Zone. Review/Action.

Zoning Officer Sampere informed the Planning Commission members that she had received a request

from the Applicant to table the preliminary/final land development plan for the main campus improvements so the Applicant's Engineer could address the comments received from staff during the in-house review in preparation for resubmission of the plans.

MOTION: by Felicia Dell to table the preliminary/final land development plan for Main Campus Improvements for West York Area School District as per the applicant's request.

SECOND: by Matthew Biehl

MOTION PASSED: Unanimously (3-0)

DISCUSSION

The Planning Commission members met with Michelle Brummer of Gannett Fleming to hold a work session to discuss the rough draft of the Township's Comprehensive Plan. The Planning Commission members stated that they had questions on the flow of the document. They would like clarification for discussing potential rezonings in the comprehensive plan. They would like more information on the correlation between economic growth of jobs, housing and development. They would like more information on sustainable growth in respect to the existing growth boundary. The Planning Commission members stated that they would like additional time to read through the first draft of the comprehensive plan and read through each other's review notes in comparison to the draft. Dr. Beecher requested that the Planning Commission members submit their review comments, questions and suggestions to Zoning Officer Sampere before September 23, 2024, so she may review them and share them with the Comprehensive Plan Steering Committee and with Gannett Fleming. The Planning Commission would like to receive and review a second draft of the comprehensive plan in the near future so they may discuss it at a public meeting and answer any questions the public may have regarding the draft document. Once the revised draft is submitted to the Township, a copy will be made available for public viewing. Staff will post the information on the Township's website under "Latest and Breaking News" on the homepage.

ADJOURN

MOTION: by Matthew Biehl to adjourn the meeting.

SECOND: by Felicia Dell

MOTION PASSED: Unanimously (3-0)

The meeting adjourned at 9:06 p.m.