

Red Lion Planning Commission
Meeting Minutes
Monday, August 15, 2016

Members

Cindy Barley
Beth Nidam
Joyce Seabolt
Felix Milner
Bob Frutiger
Nevin Horne

Others

Dan Shaw, Codes/Zoning
Mike Craley, Solicitor
Stacy Myers, Recording Sec'y

Visitors

Tina Frutiger
Dennis Klinedinst
Todd Barrick

1. The meeting was called to order @ 7:00p.m. Vice-Chairperson Beth Nidam conducted the meeting in Chairman Elfner's absence. All present participated in the pledge to the flag.
2. Mr. Frutiger made a motion to approve the July 18th, 2016 Meeting Minutes; Mrs. Barley seconded. Everyone was in favor; motion carried.
3. **A Special Exception application was submitted by Barrick Enterprises, Inc.** to allow an Eating Establishment at 401 East Broadway. Todd Barrick, from Barrick Enterprises, Inc. is a Domino's Pizza franchisee. He would like to move Domino's Pizza from their current location at Dairyland Square to 401 East Broadway, which is in the Industrial Zone. Glenn Rexroth owns the East Broadway property and plans to remodel the half of this building where a church was previously. Mr. Barrick would like to add a "dine-in" area, as well as a pick-up window. This use is allowed in the Industrial Zone only by Special Exception.

Mr. Craley suggested that, when Mr. Barrick goes before the Zoning Hearing Board, he takes his tentative lease and a letter of authorization from Mr. Rexroth allowing him (Barrick) to legally apply for the Special Exception, since he does not own the property. Per Section 410:2—Parking requirements

- One space for every four seats in the eating establishment. Mr. Barrick estimates that Mr. Rexroth's remodeling plans show 20+ parking spaces, so for the number of tables (of 4) he is planning to have inside, the planned parking should be ample.

Per Section 27:621—Eating Establishment requirements

- (A) Access shall be via an arterial or collector street as designated in the Borough's Thoroughfare Classification Plan. Mr. Craley stated East Broadway is clearly an arterial or collector street, and the Borough is still in the process of planning to vacate Boxwood Road, so that will become a driveway. Mr. Barrick's access street would be considered East Broadway. *Mr. Barrick meets this requirement.*
- (B) The drive-thru area and window needs to be a separate drive from the parking lot interior drive. *Mr. Barrick is aware of this.*

- (C) Exterior seating needs to be fenced in; however, *no exterior seating is planned.*
- (D) The property currently is serviced by private well and septic. Mr. Rexroth plans to tap in to public water and sewer. *This is needed in order for the restaurant to open.*

Because Domino's moving into 401 East Broadway hinges on a lot of variables, Mr. Craley said Mr. Barrick may want to request an extension (of a year) from the Zoning Hearing Board. Typically, a six-month time frame is given to the applicant after the Zoning Hearing is held. Mr. Barrick may want to withdraw his application to the Zoning Hearing Board until any loose ends are tied up; i.e. public water & sewer, how many parking spaces he'll have, etc. Mr. Craley stated he is not giving Mr. Barrick legal advice. These are simply suggestions that he is familiar with from all his years practicing Zoning Law. Because the Board is familiar with the area, which is in the Industrial Zone and because the Board does believe Mr. Barrick can meet all the conditions, Mr. Craley said the Planning Commission can move forward with their recommendation for approval.

The Board was comfortable with moving forward with a decision that Barrick Enterprises will be able to meet the requirements listed above. Mr. Milner made a motion to recommend approval of the Special Exception contingent upon Mr. Barrick showing the specifics that he meets the requirements of Section 621 & the general requirements of the Zoning Ordinance. Mr. Frutiger seconded. All were in favor; motion carried.

Zoning Hearing is currently scheduled for Wednesday, September 14th, 2016 @ 6p.m.

4. **Discussion on Zoning Ordinance Changes.** The Commission is agreeable to adding "pick-up window" to the current "sit down" and "drive thru" allowances of the Eating Establishment Ordinance.
5. **Adjournment**—Mrs. Barley made a motion to adjourn the meeting @ 7:16p.m. Motion carried; meeting adjourned.

Respectfully submitted by:

Stacy Myers, Recording Secretary