

**Red Lion Planning Commission  
Meeting Minutes  
Monday, October 16, 2017**

**Members**

Cindy Barley  
Joyce Seabolt  
Beth Nidam  
Melanie Thompson  
Felix Milner (arrived @ 7:10p.m)  
Nevin Horne  
Wade Elfner

**Others**

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

**Visitors**

Dianne Price  
Dennis Klinedinst  
Chris Minnich  
Andrew Winter

1. The meeting was called to order @ 7:00p.m. Everyone present participated in the pledge to the flag.
2. One correction was necessary to the August 21<sup>st</sup>, 2017 Meeting Minutes. Item #4, 4<sup>th</sup> bullet point, *“730 South Main is bound by public streets on two sides & a public alley on one side”* should read *“is bound by a public street on one side & a public alley on one side.”* Ms. Seabolt made a motion to approve the minutes with this correction; Mr. Horne seconded. All were in favor; motion carried.
3. **Application for a Special Exception** was submitted by Andrew Winter for a multi-use building at 412 East Broadway, which is in the Commercial Zone. Dan Shaw gave some background on the property. In 2012, Mr. Winter applied for a Special Exception to operate a video store as a multi-use; however, he found out from building code officials that was a prohibited use, so the Zoning Use Permit was never issued. After six months, that application had expired. Mr. Winter now wishes to operate with an FFL (Federal Firearms License) out of the property. It will not be a gun shop; he will be doing gun license transfers for people. There is a process for him to do this type of operation. He had to first come before Planning Commission, then to the Zoning Hearing Board. He has talked to Code Administrators, who require a fire extinguisher be kept at each of his locations and clear egress paths at the location. He is in the application process now of filing for his FFL license and will go to the Sheriff's Office to have his fingerprints put on file. He has also applied for an EIN (Employer Identification Number) for tax purposes and his business will be called Winter Firearms, LLC. He has talked to an ATF (Alcohol, Tobacco & Firearms) Agent in Harrisburg to discuss the application process and they urged him to file it now as it takes about two weeks for them to schedule a visit to his property. After that, he will go through the Sheriff's Office to obtain his State license to sell the firearms.

Mr. Winter stated that since he only needs a minimal amount of space for this business, he's not required to meet ADA (American Disabilities Act) regulations. He will have a small office space in his basement that he will use for the gun transfers and paperwork. He will also purchase a small gun safe; however, the only guns he **might** keep on the property are those that he orders online for people & hold until they pick them up. The business will consist of private sales and those through gun brokers. He may have gun catalogs for people to look through & possibly purchase, but he will also do advertising through social media. He will discuss conducting open business hours with the ATF Agent because the FFL paperwork states *“actual business hours”*. There will be a sign outside near the sidewalk, just large enough to be legible from the road.

As for parking, the Zoning Ordinance states “chains, barricades, etc. should be placed to prohibit cars from backing out onto the roadway”. This should not be an issue at Mr. Winter’s property because he has a turnaround in front of his home that people can park off-street. He will have to supply two parking spaces to comply with the Ordinance, but this will not be a problem. Section 27-604 (requirements for a multi-use) states “a separate entrance must be provided for the residential use”. Mr. Craley stated currently the principal use of the property is a single-family detached dwelling and as long as there is one entrance on the property for residential use, that’s fine. If there was **only** one entrance for the residents and the business, that would be a problem, but Mr. Winter’s house has three entrances.

Mr. Craley explained that Mr. Winter must apply under “multi-use building” because it’s the only way to get retail sales there. If it was in the Residential Zone, he would be doing it as a home occupation, but because he’s in the Commercial Zone, he must do it this way.

He currently meets the three requirements for a Special Exception in the Commercial Zone. His other requirements from ATF, etc. will be a separate issue. Mr. Craley stated per the Ordinance, Mr. Winter may have a problem if he wanted to put this business operation in his garage, but the Zoning Hearing Board did not have a problem with it in 2012 when Mr. Winter applied for a video shop business. Mr. Craley recommends approval by the Planning Commission.

Ms. Nidam made a motion to recommend approval for the Special Exception for 412 East Broadway; Mr. Milner seconded. All were in favor; motion carried.

4. **Zoning Hearing** will be held November 14<sup>th</sup>, @ 6p.m. to hear Mr. Winter’s case.
5. With no further business before the Board, Mrs. Barley made a motion to adjourn the meeting @ 7:19p.m. Motion carried; meeting adjourned.

Respectfully submitted by:

Stacy Myers, Recording Secretary