

**Red Lion Planning Commission  
Meeting Minutes  
Monday, August 21<sup>st</sup>, 2017**

**Members**

Cindy Barley  
Joyce Seabolt  
Melanie Thompson  
Felix Milner  
Nevin Horne  
Wade Elfner

**Others**

Dan Shaw, Codes/Zoning  
Mike Craley, Solicitor  
Stacy Myers, Recording Secretary

**Visitors**

Dianne Price  
Chris Minnich  
Neal Metzger

1. The meeting was called to order @ 7:00p.m. All present participated in the pledge to the flag.
2. Mrs. Barley made a motion to approve the June 19<sup>th</sup>, 2017 Meeting Minutes; Mr. Milner seconded. All were in favor; motion carried.
3. Of note, Dan Shaw stated the Zoning Hearing Board approved the placement of St. Paul's shed in their parking lot (side yard).
4. **Discussion on rezoning of 730 South Main Street from Residential Outlying to Commercial.** Committee members received letters from CHR Corporation (Rutter's) stating that because Wade Elfner has a personal interest in this case as an adjoining property owner of this particular Rutter's Farm Store, they're asking that he recuse himself from discussion or deliberation of this matter. Mr. Craley said Mr. Elfner can remain as Chairman but not participate in tonight's discussion/deliberation or he could turn the meeting over to the Vice Chair and participate as a member of the general public. Mr. Elfner wished to recuse himself; however, Vice Chair Beth Nidam was not present tonight and there is no Chair Pro tem. Mr. Milner made a motion to nominate Cindy Barley as Chair Pro tem of this meeting; Ms. Seabolt seconded. Motion carried, with Mr. Horne opposing.  
The map amendment request for Red Lion Borough to rezone the property at 730 South Main from Residential Outlying to Commercial went to York County Planning Commission for their review & comments, per requirement. YCPC stated they are in favor of the amendment and recommend adoption as submitted. They stated it is consistent with rezoning because there are other Commercial properties within the immediate area. Discussion points are as follows:
  - Mr. Craley pointed out an error in the last sentence of YCPC's comments under "Project Discussion" where it states, "this property has no access from South Main Street", but there is a driveway.
  - Mr. Horne asked for clarification where it states, "South Main Street & Winterstown Road are classified as minor arterial streets", but the next page states, "property is located along a major collector road". Mr. Craley said, per the definition in the Zoning Ordinance (Attachment 27D), South Main Street is shown as an arterial street. Perhaps in the Comprehensive Plan, it is listed differently. Winterstown Road is a State highway, so it's unclear why YCPC has it listed like this.
  - The heirs of the McCleary estate now own the property at 730 South Main. It has been vacant since Mr. McCleary passed away a few years ago. Ms. Thompson said the condition of the property seems to be deteriorating. Rather than remain a Residential property and become a rundown vacant house, she believes a Commercial use would be a better use of this property.

- Neal Metzger, representative from CHR Corporation, stated the Crist family own Rutter's, CHR Corp leases the property; however, the Crist's currently have a contract to purchase 730 South Main Street, it is assumed with the intention of expanding the current Rutter's Farm Store at the corner of South Main & Winterstown Road. Mr. Metzger said the rezoning should be based, not on what is going to happen, but what makes sense for this piece of land. At a ½-acre, 730 South Main is small for a Commercial use & bound by a public street on one side & a public alley on one side. Mr. Metzger said the site of the current Rutter's Store was created in a different time & era. Zoning & Borough regulations were different. With today's technology, improvements can be made in traffic patterns & safeguards, lighting on the site, etc. to create a more residential-friendly environment. PennDOT can impose restrictions to ensure traffic safety on Winterstown Road. YCPC approved this amendment, not because of what Rutter's may do, but because of the merit of the site being Commercial. The length of the Commercial Zone on the opposite side of the road would match up with what is being proposed for this site.
- Mr. Elfner stated, as a neighbor & a citizen he hopes the Committee would realize, this rezoned property will be a Rutter's, not a beauty shop or an accountant's office. All who live there & pick up trash from the current store and deal with the traffic & lighting problems, do not feel their wishes are being heard by this large corporation. They would like their concerns to be taken into consideration. Mr. Elfner does not believe that the vacant McCleary property will become a blighted property that will go into foreclosure. It's a well-made brick house with all new replacement windows, slate roof, hardwood floors, original woodwork inside, a 2-car garage in the rear, etc. & that will all be destroyed. Other neighboring residents do not want a larger convenience store, operating 24/7. He stated this rezone is in direct opposition to the newly passed Comprehensive Plan and it will not offer a large tax base for the Borough anyway.
- Mr. Craley stated that, unlike other cases that Planning Commission reviews, there is no burden or entitlement in this situation. Rezoning of any piece of property is a pure legislative act, left ultimately to Borough Council. Planning Commission makes a recommendation to Borough Council on what they believe is what's in the best interest of the Borough, knowing that probably it will result in Rutter's submitting a Land Development Plan to expand their business.
- Ms. Thompson believes there is no logical reason why this wouldn't be equitable since there are Commercial uses on all four corners of this intersection. She has spoken to several residents who patronize the store, especially since it's 24/7. She reviewed inspections for this particular store and in the past two years, found no issues of rodents or insects, per previous neighbor complaints.
- Mr. Milner said many residents were opposed at recent Council meetings; only one or two people said they are in favor of the store (and an expanded store). He personally has no objection to it, but is torn between that & appeasing the neighboring residents.
- Mr. Horne stated that the parking problems will still be there, even with a larger store. He is opposed to the rezone.
- Mr. Metzger stated again that some of the proposed changes/improvements include a 6' privacy fence, along with coniferous trees & shrubs along the alley to help with noise, traffic and trash debris. Curbing would be added to certain areas to prohibit vehicular access.
- Mrs. Barley believes that some of the complaints of Rutter's neighbors were taken to store management where they weren't relayed to higher management. When Rutter's representatives were at previous meetings they attempted to address many concerns of the residents.

- Mr. Horne made a motion to deny the recommendation to rezone 730 South Main from Residential Outlying to Commercial; Ms. Seabolt seconded. A vote was taken; motion carried, 3-2 with Ms. Thompson & Mrs. Barley opposing. This recommendation will go to Borough Council at their September meeting.
5. **Adjournment**—with no further business before the Committee, Mr. Milner made a motion to adjourn the meeting @ 7:31p.m. Motion carried; meeting adjourned.

Respectfully submitted by:

Stacy Myers, Recording Secretary