

**Red Lion Planning Commission
Meeting Minutes
Monday, January 15, 2018**

Members

Beth Nidam
Cindy Barley
Joyce Seabolt
Melanie Thompson
Nevin Horne

Others

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

Visitors

Robert Katherman
Barry Buser
Stephanie Weaver
Tony Musso
Anthony Reichard
Nick Rhoads

Bob Frutiger
Tina Frutiger
Dennis Klinedinst
Bill Henry
Kathy Horne

1. The meeting was called to order @ 7:35p.m. All present participated in the pledge to the flag.
2. Mrs. Barley made a motion to approve the October 16th, 2017 Meeting Minutes; Mr. Horne seconded. All were in favor; motion carried.
3. **Reorganization of the Commission**
 - Chairman—Wade Elfner was nominated by Mrs. Barley, seconded by Mr. Horne. All were in favor.
 - Vice-Chair—Beth Nidam was nominated by Mrs. Barley, seconded by Mr. Horne. All were in favor.
 - Chair Pro Tem—Cindy Barley was nominated by Mr. Horne, seconded by Ms. Thompson. All were in favor.
4. **Rezoning of 25-27 Grand Street, the section fronting South Main Street.** Attorney Katherman was representing Barry Buser (Buser Imports, LLC) tonight in his request to rezone a portion of this property from Residential Outlying to Industrial. Mr. Buser has his business at 25-27 Grand Street, Red Lion, of which the rectangular portion in the rear is zoned Industrial; the smaller portion to the front of the property is zoned Residential. He would like to make a reasonable use of the front portion; however, to make his entire property Industrial, might not be ideal and could make a negative impact on the residents to the left & right of the property. They thought a Commercial use may be a better fit in the area as there is a medical office, Rutter's, an insurance office, car lot and a chiropractor all in the same block/area. He would like the Board's thoughts on how to rezone Mr. Buser's front property.
The size of the lot would limit a huge superstore or other large operation from going in there and Mr. Katherman stated, they still need to go through the Zoning & Subdivision/Land Development process. Mr. Craley asked Mr. Buser:
 - a) How is the rear building currently being used? *As a warehouse*
 - b) Is the front lot being currently used as parking? *Yes*Mr. Craley said off-street parking would need to be maintained for any business, but this would be addressed during the Land Development process. And if the Board would advise rezoning to Commercial, it would only be the lot between Lemon Lane and Main Street, not the existing building. When rezoning, the Board should look at what's best for the Borough and the residents. Mr. Craley said we want to encourage commercial & industrial growth because they bring in more tax money. The Borough Center Zone was developed to encourage a good mix of commercial & residential uses downtown. This area of South Main discussed tonight may

become a desirable area for commercial growth and the Commission members are not amenable to an Industrial use along South Main Street. In addition, to leave the lot as Residential, it's unlikely that someone will purchase it to put a house on it. Mr. Horne stated he feels for Mr. Buser and would like to see something besides a parking lot in the area between Lemon Lane & Main Street; however, he is concerned about the increased traffic in that area. Mr. Katherman stated traffic is an issue that can be addressed during Land Development and the current parking lot is essential to the building in the rear of Mr. Buser's property. If another business goes into the rear-lot building, they will need parking also. Any of the "uses by right" in the Commercial Zone are amenable to the Board.

In the future, the prospect of rezoning this stretch of South Main (west side) may come before the Planning Commission, but for now, "spot zoning" is what is happening. Mr. Craley suggested mailing letters to the neighboring residents in this area of South Main to get their opinion of rezoning the area to Commercial. The current homes, even if the area is rezoned would remain lawful non-conforming residential uses.

Mrs. Barley made a motion to recommend to Borough Council to approve moving forward in rezoning the parcel of land (Lemon Lane to South Main Street) from Residential Outlying to Commercial. Mr. Horne seconded. All were in favor; motion carried.

5. **Rezoning of 675 South Main Street from Commercial to Industrial.** Anthony Reichard, who has an Agreement of Sale to purchase this property from owner, Mr. Warner, would like to open a small contractor's office at the property for his HVAC business. He would not be at the location most of the time, as he is usually at people's homes working on projects, but office hours would be considered 7:30-4:30p.m.

His attorney had submitted the rezoning request to rezone the property from Commercial to Industrial; however, Mr. Reichard believes a contractor's office would fit in as a Commercial use. He can't afford most of the properties in the Industrial Zone and he only needs a two-car garage and a small office, which is what 675 South Main offers. He also thinks it's important to give his business the visibility on Main Street. He does strictly residential work and would not have large equipment, just a van/truck. He keeps his place neat & orderly, which Mr. Horne confirmed, as Mr. Reichard lives next door to Mr. Horne's mother.

Mr. Craley had spoken to Attorney Ogden, telling him he did not believe this property would get rezoned to Industrial. Mr. Craley read the definition for "Contractor's Office or Shop" under the petition for rezoning and stated it is a permitted use in the Industrial Zone. Because of that, there aren't specific standards governing it; i.e. parking requirements, outdoor storage, etc. It would be subject to regulations in the Commercial Zone and Mr. Craley believes it would be appropriate to do a text map amendment to have a contractor's office in the Commercial Zone.

But would Mr. Reichard obtain a permit from Dan Shaw for a "use by right" or by a Special Exception for this use in a Commercial Zone? There may be issues that we want the Zoning Hearing Board to address as a Special Exception, such as outdoor storage to be screened. The use of screens and/or buffers is the only requirement the Board would like in place.

Mrs. Barley made a motion to recommend to Borough Council the preparation of a text amendment permitting a contractor's office as a Special Exception in the Commercial Zone providing one condition for approval (outdoor storage buffer) be added in Section 600; Mr. Horne seconded. All were in favor; motion carried.

6. **Next Planning Commission Meeting** will be held Monday, February 26th, 2018 @ 7:00p.m.
7. **With no further business before the Committee**, Mrs. Barley made a motion to adjourn the meeting @ 8:35p.m.

Respectfully submitted by:

Stacy Myers, Recording Secretary