

**Red Lion Borough Planning Commission
Meeting Minutes
Monday, February 26, 2018**

Members

Beth Nidam
Cindy Barley
Joyce Seabolt
Melanie Thompson
Wade Elfner
Nevin Horne

Others

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

Visitors

Tina Frutiger
Lisa Zelger
Mike Zelger
Stacey MacNeal
Nick Rhoads

Dennis Klinedinst
Chris Grothey
Edward Miller
Stephanie Weaver
Mark Hackler

1. The meeting was called to order @ 7:00p.m. All present participated in the pledge to the flag.
2. Mr. Horne made a motion to approve the January 15th, 2018 Meeting Minutes; Mrs. Barley seconded. All were in favor; motion carried.
3. **A Variance application was submitted by Mark Hackler** to permit an increase in the number of vehicles allowed to be stored from 10 to 18 vehicles on the Wise Avenue side of the property at 510 Wise Avenue, as stated in the decision of the Variance for the automobile sales lot. Solicitor Stacey MacNeal represented Mr. Hackler tonight. Mr. Hackler applied and was approved for a Variance for his property to make improvements and operate an automobile sales lot, with no more than 10 cars, in the Commercial Zone. Dan Shaw notified him in January when it was noticed that there were more than 10 vehicles on Mr. Hackler's car lot. Mr. Hackler is requesting the Variance because he wishes to increase his inventory from 10 cars to 18 cars. He has made improvements to the property, paving the parking area & planting some trees/shrubbery. Ms. MacNeal presented a layout of what Mr. Hackler anticipated after his Zoning Hearing. He anticipated 7 spaces along Lemon Lane and 8 spaces in the rear of the property; however, this layout does not allow much area for extra inventory for the business. He proposed another layout which included 5 spaces along Lemon Lane for customer parking and the additional spaces at the side & rear of the paved parking area for inventory. Of note, 2 other spaces Mr. Hackler had anticipated having at the retaining wall have since been removed. Two other spaces are in front of the garage doors, used sometimes by Mr. Hackler, his customers and/or inventory. Pictures were submitted showing how the property looks with this number of cars. Without making the property look junky, cluttered or increasing the amount of paved area, Mr. Hackler can operate his business more efficiently with more inventory. He believes he can have a nice functional business this way; however, this type of business is seasonal & tends to decrease over winter months. He can increase his inventory for when he needs it without being detrimental of what has already been approved for the property. There were issues/problems with stormwater coming from 510 Wise Avenue and Dan Shaw said stormwater plans were received today. Dan stated the plans appear like the stormwater will be channeled in the appropriate direction now; however, that is an engineering issue. Mr. Hackler is very amenable to correcting any issues or making any necessary improvements where the stormwater runoff is concerned and this will have to be addressed later. No vehicle repairs are done on the property. Mr. Hackler just prepares the vehicles for selling. Mr. Craley mentioned that Ms. MacNeal stated Mr. Hackler is operating a successful business

and business is going very well for him; however, a Variance is granted for the minimum necessary to make reasonable use of the property, not the minimum necessary to make as much profit as possible. Mr. Craley also stated, “frustration of business purpose is grounds for a Variance”, but he does not see why this Variance is necessary to alleviate unnecessary hardship when Mr. Hackler is able to sell 10 cars at one time and his business is going well.

Ms. MacNeal said, given the cyclical nature of the business, without having the additional inventory, he wouldn't be able to meet the demand, when necessary. He would like the flexibility to offer more inventory (more than the 10 cars).

What makes 16 cars work & 10 cars will not work? Being fairly new in this business, Mr. Hackler has discovered the additional inventory is necessary to cover the demands/needs.

Per the Zoning Hearing, customers park on Lemon Lane; 5 spaces were approved for that purpose in this area and an inventory of 10 cars on the Wise Avenue side of the property. Mr. Hackler's request of 18 includes the two spaces in front of the garage doors. Although Mr. Hackler would like to have more than the 18 cars he's requesting, he's trying to make reasonable use of this property and work within the area that he has without being detrimental to the neighborhood.

Mr. Horne stated that Mr. Hackler's original request was mainly for internet car sales and said he didn't need a lot of cars on the lot. Mrs. Barley & Ms. Thompson stated the layout in the current picture provided does not appear junky, but the two spaces in front of the garage (included in the total of 18) would be used as temporary spaces, for customers, Mr. Hackler, etc., and not for actual cars displayed for sale. Without those two spaces in front of the garage, the total cars would be 16. Mr. Hackler had agreed upon the 10-car limit at the Zoning Hearing, being new to the business and not sure of the success of it. He found out quickly that the lot could hold more than the 10 cars quite well.

Mr. Craley reported on a “Use Variance” that was sought after for a business operating in the Residential Zone. A Use Variance is rare & only done when it's necessary to alleviate unnecessary hardship. When granted, the Use Variance must be for the minimum relief necessary to avoid unnecessary hardship & at the time of the Zoning Hearing, 10 cars were what Mr. Hackler decided he could use. Is the need to increase to 16-18 cars to avoid frustration? Or is it to alleviate unnecessary hardship? In Mr. Craley's opinion, this does not meet the requirements of a Use Variance. If the Board thought the unnecessary hardship would be alleviated if Mr. Hackler had an additional 2-4 cars, they can suggest that.

Mrs. Barley stated it may be helpful for Mr. Hackler to show paperwork as to why 16-18 cars would be better than his current 10 cars.

Mr. Dennis Klinedinst stated he believes that Mr. Hackler has exceeded his impervious cover allowance on the lot. Mr. Klinedinst owns property behind Mr. Hackler's lot and said the stormwater runoff is a problem. As stated previously, the stormwater issue must be addressed with or without the granting of the Use Variance.

Ms. Nidam made a motion to recommend denial of the Variance request; Mr. Horne seconded. The Zoning Hearing Board has the ultimate decision but if Mr. Hackler can show some type of hardship why 10 cars won't or doesn't work, the Commission may have voted differently. A vote was taken; motion carried, with Mr. Elfner opposing.

4. **Special Exception application submitted by Edward Miller to allow a multi-use building at 90 Martin Street (Lion Bowl).** Mike Zelger, owner of Lion Bowl, was present to support Mr. Miller and Chris Grothey who are proposing to open a nano brewery & tap room in the back of the bowling alley. Mr. Craley stated that he has done legal work for Lion Bowl & the Zelger's, so he will keep his comments to a minimum. The sketch plans were presented which propose 2,000 sq. ft to be added to the rear of Lion Bowl (towards Horace Mann Avenue). This would be the manufacturing area for the beer. The current transient business (Crab Shack) is in this area and may be offered a permanent location once the additional square footage is added. The expansion will offer Lion Bowl additional storage too, which is greatly needed. The current locker room, pro shop & game room would become the Tap Room. Mr. Zelger stated the pro

shop operations will likely be moved to the back, away from the public area, which is not uncommon for bowling alleys.

Mr. Craley stated a bowling alley falls under the definition of “Commercial Recreation Establishment” in the Commercial Zone. One of the requirements of a “multi-use” building is that the use must be allowed in the zone. Dan Shaw said Black Cap (another nano brewery in town) was listed as a “small type processing establishment”, which is permitted in the Commercial Zone.

While Lion Bowl currently has a snack bar & wouldn’t be considered a restaurant, Mr. Miller, Mr. Grothey & Mr. Zelger would like to upscale the food and create a lounge-type of area where patrons could get away from the noises/sounds of the bowling alley. This type of establishment is permitted in the Commercial Zone. What is being proposed is:

- Continuation of the bowling (commercial recreation)
- On-site manufacturing of the product (small processing)
- Eating establishment

Mr. Zelger stated that most bowling centers that offer beer have very small bar areas because most patrons take the beer out to the lane/bowling area. That would be an accessory use, not a principal use which is being proposed tonight for Lion Bowl. As a multi-use building, with the 3 uses listed above, enough parking will need to be provided.

Ms. Nidam made a motion to recommend approval of the Special Exception to allow the multi-use building at 90 Martin Street.

Parking requirements were discussed. The Ordinance requires five parking spaces per lane for bowling alleys. Eating establishments require one space for every two seats (10 additional spaces needed). The additional 2,000 sq. ft. building will not take away any of this parking. Mr. Zelger stated that “5 spaces/lane” requirement dates back to a time when bowling teams were a popular activity and there would be five bowlers on a team. That is not the case anymore; across the country, these numbers have decreased. Lion Bowl now has 3 or 4 people, even 1 person on a team. There is considerably less traffic & less parking shortages in the Lion Bowl parking lot because of the diminished league numbers. In addition, “open play” or casual bowlers will arrive together, 3-4 per vehicle. Approximately 8-10 years ago, Red Lion School District rented Lion Bowl’s parking lot & that was the first time parking spaces were ever designated on the lot. With the three proposed uses above, parking requirements need to be met for each use separately. A total of 68 spaces would be needed. Mr. Zelger stated that he has a working relationship with the business across the street from Lion Bowl. Dan said it would be allowed for Lion Bowl to lease the parking lot of this business if it’s within 200’. That could be an option if the multi-use building requires more parking. The Committee suggested Mr. Zelger bring the national bowling industry correspondence which would show how the industry has changed and the need for more parking has diminished. Mr. Craley stated now may be a good time to do a text amendment for parking space requirements if the current requirements for a bowling alley are not necessary anymore. If Mr. Zelger believes the Ordinance is too stringent he can get the national numbers to Dan Shaw & the Committee can consider amending that requirement.

Mrs. Barley seconded the motion above. All were in favor; motion carried.

The Zoning Hearing for this case will be March 13th @ 6p.m.

5. **Other Business**—Mr. Craley presented the following amendments to the Zoning Ordinances:

Chapter 27

- **Section 1.** Section 27-305.3 is amended to add the following subsection:
 - M. Contractor’s Office or Shop
- **Section 2.** A new Section 27-616.A is added to read as follows:
 - s.27-616.A Contractor’s Office or Shop
In the C or I Zone, and subject to the requirements of that zone, except as herein modified and provided:

- A. All outdoor storage of materials shall only be in a side or rear yard and shall be secured and screened by a completely opaque fence in full compliance with Section 27-401.3.

Amending the Zoning map to rezone property located in the 700 block of South Main Street, currently zoned Residential Outlying to Commercial.

- **Section 1.** The area bounded on the south side by Grand Street, west side by South Main Street, north side by lands now or formerly of Sandra L. Shellenberger and east side by Lemon Lane is hereby rezoned from Residential Outlying (R-O) to Commercial (C). This is identified as “Area A” on the enclosed Exhibit A.

Mr. Craley will send these revisions to York County Planning Commission for their comments. After that, Borough Council will act on them. In addition to the revision above for the 700 block of South Main Street, Mr. Craley suggested Commission members look at the Ordinances to see what they may want to add into the “uses by right” for this area of town, which is in a transition of sorts for zoning. They would include “non-invasive” uses, which people wouldn’t mind having beside their residence. Ms. Nidam said YCPC is willing to attend a Planning Commission meeting to discuss the “ends” or four corners of the Borough which all seem to be in this transition phase of zoning.

6. **Adjournment**—Mrs. Barley made a motion to adjourn the meeting @ 8:15p.m. Motion carried; meeting adjourned.

Respectfully submitted by:

Stacy Myers, Recording Secretary