

**Red Lion Planning Commission
Meeting Minutes
Monday, June 18th, 2018**

Members

Beth Nidam
Cindy Barley
Joyce Seabolt
Melanie Thompson
Wade Elfner

Others

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

Visitors

Walt Hughes
Bob Frutiger
Tina Frutiger
Denny Klinedinst
Chris Grothe

Stephanie Weaver
Nick Rhoads
Dave Zelger
Ed Miller
Rich Day

1. The meeting was called to order @ 7:00p.m. All present participated in the pledge to the flag.
2. Ms. Thompson made a motion to approve the May 21st, 2018 Meeting Minutes; Ms. Seabolt seconded. All were in favor; motion carried.

- **A Special Exception and a Variance application was submitted by Lion Bowling Center, Inc.**

The Special Exception is for a tavern and the Variance is to allow a less than 300-foot setback from school property and to allow a less than 500-foot setback from the Residential Town zoning district. Mr. Zelger does not believe they need the Special Exception for a tavern, as they stated they are proposing a brewery, not a tavern. He has State guidelines outlining the difference. As a brewery, there are no guidelines for proximity to a school, a church or any residential area and that is State law. The only difference from the last time Lion Bowl was present before this Committee is that they are no longer proposing to brew on the premises. As a brewery, you are allowed three remote locations to sell your product (same situation as a winery), where you can brew, taste & distribute at all three locations. The LCB Law allows a brewery in one location & two satellite locations and as Mr. Zelger, Mr. Grothe & Mr. Day understand it, they are exempt from zoning laws. They want to update the Commission that they are proposing a tasting room for the premises; they do not agree that it should be viewed as a tavern.

As Lion Bowl is currently zoned as a multi-use building, one of those uses is going to be a tasting room. Eventually, they would like to brew at the 90 Martin Street location, but not right now. This way they can move forward with the plan faster.

Currently, through State Law, the three types of licenses available are brewery license (has limited hours with limitations on what they can serve), a brew pub & a liquor license. The liquor license can do anything, similar to a tavern (or the Great American Saloon).

Dan Shaw stated the application was originally listed for a "small type processing facility", which was his determination for brewing & then selling the product onsite. The definition for a "tavern" in the Zoning Ordinance is probably from 1966 and the applicants did not want to put the word "tavern" on the Zoning Application. Mr. Craley said although it's not an exact fit for this situation, it could be a similar use. Dan Shaw must make the determination as to what will take place on the property. Mr. Craley stated that unless there is something in the law that states the Liquor Code preempts local ordinances, applicants must meet both laws (local & state). Dan's determination is that a tavern is the best description of the proposed use per the Zoning Ordinance (as a second use to the bowling alley). The applicants have a

right to appeal, along with their request for a Special Exception and/or a Variance. The Zoning Hearing Board can then make the determination if there is an appeal.

In the Commercial Zone, a tavern is a permitted use by a Special Exception, but the applicant doesn't meet the setback criteria per Section 27:647 (D & F), which state:

- D--The use must be more than 300 feet from any church, hospital, charitable organization, school or public playground. *From property line of the school to the property line of Lion Bowl is 236'.*
- F—The use must be more than 500 feet from any RO or RT zoned neighborhood. *In this case, to the street of those zones is approx. 30-35'.*

The Committee members agree that this is a good idea. Maybe at some point, some of the definitions in the Zoning Ordinance (“tavern”, in this case) can be updated.

Mrs. Barley made a motion to recommend approval of the Special Exception and the Variance; Ms. Nidam seconded. All were in favor; motion carried.

3. **Other business before the Committee:**

- The Zoning Hearing Board approved the Kaltreider-Benfer Library's Variance requests to allow a reduction in the front, rear & accessory setbacks, an increase in the allowed paved area and a reduction in the distance allowed between a commercial communication tower base and a property line in the Residential Town Zone at 147 South Charles Street.
- The Zoning Hearing Board approved CHR/Rutter's Corporation's Special Exception request to allow a convenience store dispensing fuel in the Commercial Zone at 730 South Main Street, Red Lion, PA. Mr. Craley was present at the Zoning Hearing to make the Borough's specific conditions known regarding lighting/screening on the property and the proposed loading space. Once Dan has received the decision, the Committee can review.

4. **Adjournment**—With no further business, Ms. Thompson made a motion to adjourn the meeting @ 7:24p.m.; Mrs. Barley seconded. All were in favor; motion carried.

Respectfully submitted by:

Stacy Myers, Recording Secretary