

Manheim Township Zoning Hearing Board Minutes
Monday, June 7, 2010
6:30 P.M.

Attendance:

Michael Winters	Present
Patrick Trimble	Present
David Wood	Present
Edward Hoover	Present
Robert Byram	Present
Helen Adams, Alternate	Absent

Chairperson David Wood opened the Zoning Hearing Board meeting, requested a roll call, explained the Zoning Hearing Board meeting process, and announced the agenda.

Federal Realty Investment Trust, A. Maryland Reit
B-4, 1601 Lititz Pike

Case 10-21

David T. Joss, Craig Mellot, Michael A. Kosteiw and Nicholas A. Kerilla were sworn in for testimony.

Mr. Joss began by explaining that he represents Giant and will be speaking to the Giant's building signage and Craig Mellott will be speaking of parking issues.

Mr. Joss stated that variances are requested for building signs, lights and parking.

Mr. Joss distributed photographs of the shopping center of today, of proposed improvements and of the 1958 grand opening of the shopping center, explained the improvements and stated the following: The existing facades of the shopping center are being improved. The existing canopy is being removed, new façade projections will be built, and landscape will be placed at the sidewalk areas. String lights would be placed from a sign pole to the building. A store is located in a corner of the shopping center beside the proposed Giant and would not be visible to patrons. A freestanding sign would be placed close to the store in the sidewalk area with string lights to help patrons find the store. The top edge of Michaels and Hollywood Tan stores would have lights on top of the building outlining the roof. Lights lining the building and string lights are not permitted by the zoning ordinance.

Mr. Joss explained the existing and proposed sign area of the property and the variance requests. The overall linear store frontage is 400 feet. There is a shopping center building sign on the rear of the shopping center building. New pylon center signs are proposed for the shopping center to replace the existing signs. A freestanding pylon center sign will be placed on lot two, where the Susquehanna Bank will be built. The Susquehanna Bank will have 280 square feet of signage,

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therefore the pylon sign will make total sign area for lot two to exceed the 280 square foot sign area requirement. One pylon sign will be placed on lot one at the Lititz Pike entrance.

Mr. Kosteiw explained the Giant sign request. Giant's existing signage is 206 square feet. The Giant store is increasing the size of the building from 35,000 square feet to 75,000 square feet. The proposed Giant sign square footage would be 223 square feet in the front and 126 square feet in the rear. The proposed signs square footage would increase signage by 2.34 % in the front and 1.43% in the rear.

Mr. Mellot explained the parking variance request and stated that the Board approved a parking variance in 2008 for the Giant expansion to allow a total of 581 parking spaces for the shopping center. A variance is now requested to allow up to 262 seats for restaurants seating in the shopping center to be allowed with the number of current parking spaces. This shopping center does not presently have any restaurants. Parking studies have been done at numerous Giant anchored stores throughout Pennsylvania and it was determined that the Giant expansion would not increase the need of more parking spaces and the parking demand for restaurants would only increase the demand by ten percent.

Mr. Winters made the following motion: grant a variance to section 1804.33 to permit exterior lighting on the façade; deny a variance to section 1804.33 to permit exterior string lighting; grant a variance to section 1805.2. to permit a freestanding pole sign with 25 square feet of signage; grant a variance to section 1805.2. to permit each illuminated pylon sign up to a maximum of 135 square feet of tenant signage per side; grant a variance to section 1805.2. to permit existing shopping center sign on the rear of the shopping center of no more than 100 square feet; grant a variance to section 1805.2. to permit more than 200 square feet maximum of building signs per lot; grant a variance to section 1805.2. to exceed 280 square feet of maximum signage permitted on the property; deny a variance to section 1704.1. to permit the shopping center 210 restaurant seats, consistent with the testimony and exhibits presented before the board this evening, specifically noting that the total square footage of the signs would not to exceed 2,585 square feet. Mr. Trimble seconded the motion. The motion was approved 5-0.

Ted Kleinsasser

R-1, 1170 Erbs Quarry Road

Case 10-27

Robert Visniski was sworn in for testimony.

Mr. Visniski explained the request and stated the following: This application is similar to the request that was approved in February 2010 by the Board. The subdivision plan was not able to be completed within the 90 day time limit. The following two changes were made to the plan since the last approval: 1) extended the Fruitville Pike right of way, 2) the width of the lot should be shown as 75 feet.

Mr. Visniski requested a time extension of two years from the approval date to obtain permits and complete construction.

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Mr. Winters moved to grant the following: a variance to sections 605.2.B.3.d.i and 2013. to permit the existing building to encroach within the minimum front yard building setback; a variance to section 2011.2 to permit the existing driveway to be closer than the required 3 feet from the property line; a variance to section 605.2.B.3.b.i. to permit the proposed lot width to be less than 60 feet at the street line; a variance to section 605.2.B.3.b.ii. to permit the proposed lot width to be less than 100 feet at the minimum front yard building setback line; a variance to Section 2208 to permit a time extension to obtain all necessary permits and to complete construction, all requested to permit the subdivision of the property, with that time limit not extending more than 2 years from today's date, consistent with the testimony presented before the Board this evening. Mr. Hoover seconded the motion. The motion was approved 5-0.

Faulkner BMW

B-4, 1530 Manheim Pike

Case 10-28

William Swiernik, Glenn Frill, Mark Huber, Rickey Wood and Caroline Hoffer were sworn in for testimony.

Ms. Hoffer explained the request and stated the following: Faulkner BMW is planning to lease and develop the site of the former Saturn dealership at 1530 Manheim Pike. Commerce Drive would be widened to relieve the traffic back up problem at the Commerce Drive entrance to this property.

Mr. Rickey Wood distributed a site plan and a computer generated drawing of the proposed buildings and then explained the Falkner BMW plan. The property would be redeveloped and Commerce Drive would be widened, to make it easier for customers. Amelanchier LP owns the property. The service area would be enlarged and the current Saturn building would be demolished and a new building would be built. The Falkner BMW dealership on Granite Run Drive and the Falkner BMW dealership on Roherstown Road would be combined on this property.

Mr. Frill explained the building size and construction. The building would be 240 feet in length which exceeds the 150 foot building length requirement. The spirit of the ordinance would be met. There will be no continuous 150 feet of building length.

Ms. Hoffer explained the variance request regarding the proposed building encroachment into the 50 foot front yard building setback, encroachments within the 20 foot improvement areas, plant strip encroachment, exceeding sign area square footage for the property, extension of time to obtain permits and complete construction. Total sign area requested is for the property is 293.3 square feet, 176.6 square feet for the building and 82.9 square feet for the freestanding sign at Manheim Pike and 33.8 square feet for a freestanding sign at Commerce Drive. This would be a 5 percent increase from the existing sign area.

Ms Hoffer reviewed the variance criteria from the zoning ordinance stating that there are unique conditions on this property, the proposed signs allow visibility for the dealership, with no adverse effects to the Township, and this request meets the spirit of the ordinance.

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Mr. Winters moved to approve the following: a variance to section 1305.2.E.5.a. to permit the existing building to encroach within the 50 foot minimum front yard setback at Commerce Drive street right of way; a variance to section 1305.2.E.5.d. to permit a small portion of the existing parking lot and a portion of concrete display area to be located within the 20 foot improvement area; a variance to section 1305.2.E.6. to permit the length of the building to exceed 150 feet; a variance to section 2312.2.A. to permit a portion of the proposed concrete display area to encroach within the 10 foot wide required planting strip along Commerce Drive; a variance to section 2312.3.A. to waive the requirement of a 10 foot landscape screen along Commerce Drive and Manheim Pike; a variance to section 1806.2 Table 2 Part A to permit the maximum total area of the freestanding signs on the lot to exceed 80 square feet and the total area of all signs on the lot to exceed 280 square feet; a variance to Section 2208 to permit a time extension for obtaining permits of 12 months from zoning approval and to extend date to complete construction to 12 months from the date of obtaining permits, consistent with the testimony and exhibits presented before the Board this evening, specifically the total sign square footage is not to exceed 293.3 square feet. Mr. Byram seconded the motion. The motion was approved 5-0.

Landis Valley Partners

B-3, 2351 Oregon Pike, Suite 101

Case 10-29

Caroline Hoffer and Donna Deerin-Ward were sworn in for testimony.

Ms Hoffer requested the Board to combine the cases 10-29 and 10-30 into one presentation because they for the same property. The Board granted that wish.

Ms. Hoffer distributed site plans indicating the locations of the proposed restaurants.

Ms. Hoffer explained that two restaurants are being proposed for this shopping center, one at 2351 Oregon Pike, Suite 101 and on at 2359 Oregon Pike Suite 102 in two of the three proposed retail buildings that are being constructed on the property.

Ms. Ward explained that a shopping center is being constructed at this site with retail buildings, a separate CVS building, a Susquehanna Bank and a convenience store. Turning lanes would be added to Oregon Pike for the shopping center.

Ms. Ward explained that the restaurant proposed at 2351 Oregon Pike would have 12 seats in a 1,200 square foot facility. This was reduced from the original request which was 15 seats in a 1500 square foot facility. The restaurant proposed for 2359 would have 32 seats in a 1500 square foot facility.

Ms. Hoffer stated that the proposed restaurant uses are a use by special exception which requires Zoning Hearing Board approval.

Ms. Hoffer reviewed the special exception criteria. The land development plan and traffic study are completed. Ms. Hoffer stated that there will be no adverse effects to the neighboring

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properties, would meet the parking space requirements and is consistent with the Township's comprehensive plan.

Ms. Hoffer requested an extension of time of six months to obtain permits and one year to complete construction.

Mr. Winters made a separate motion for each case.

Mr. Winters moved approve the request to permit a special exception in pursuant to section 1203.4. to permit a 1,200 square foot restaurant and a variance to section 2208 to permit a time extension of 6 months from zoning approval to obtain all necessary permits and an additional time extension of 6 months after obtaining permits to complete construction, consistent with the testimony and exhibits presented before the Board this evening. Mr. Byram seconded the motion. The motion was approved 5-0.

Landis Valley Partners LP
B-3, 2359 Oregon Pike, Suite 102

Case 10-30

The presentation for this case was combined with case 10-29.

Mr. Winters moved to approve the request to permit a special exception in pursuant to section 1203.4. to permit a 1,500 square foot restaurant and a variance to section 2208 to permit a time extension of 6 months from zoning approval to obtain all necessary permits and an additional time extension of 6 months after obtaining permits to complete construction, consistent with the testimony and exhibits presented before the Board this evening. Mr. Hoover seconded the motion. The motion was approved 5-0.

The meeting adjourned at 9:00 PM. The next regularly scheduled meeting will be held on Tuesday, July 6, 2010 at 6:30 P.M.