

Manheim Township Zoning Hearing Board Minutes
Monday, May 2, 2011
6:30 P.M.

Attendance:

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

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

Cedar-Oregon Pike LLC
B-3, 1611 Oregon Pike

Case 11-10

Matthew Crème, Sidney Kime, and Walter Pfeiffer were sworn in for testimony.

Mr. Crème explained the request, distributed exhibits which included the site project plan and deed of the property.

Mr. Crème stated the following: This property was recently re-zoned from B-2 to B-3 zoning district with Ordinance 2011-06. The existing dwelling is in disrepair and would be demolished.

The following covenants were created which impose three restrictions on the property.

- 1) Restrict the retail sales and service principal use location to the front 700 feet of the property.
- 2) No building erected shall have a maximum floor area greater than 18,000 square feet.
- 3) No building erected on the property shall be served by vehicular access to or from either Rutledge Avenue or Cortland Avenue.

Referencing exhibit three, Mr. Kime described the proposed development. There will be a common access drive to Oregon Pike. Crown Avenue will be lengthen on to this property terminating as a cul-de-sac.

Mr. Kime explained the requested variances needed for this project and stated the following: The access drive from Oregon Pike would be constructed on the common property line of lots 1 and 2 and variances would be needed regarding the 20 foot improvement area, the setback of the access drive from the property line and light emanating at the property line from the proposed street lamps; variances are needed for a sidewalk which would be outside of the Oregon Pike right of way and within the 20 foot improvement area and regarding the distance of the sidewalk from the property line. This project would comply with all zoning ordinance screening requirements. The east side of the property would be offices and the front western 700 feet of the property would be retail.

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The Board voiced concerns regarding the Cortland Avenue dead end street and felt that it should be vacated. In addition, the Board voiced concerns that the lighting variance request did not have a limit of brightness for the lights. It was agreed that 5 foot candles would be an acceptable light limit for the access drive.

Neighbor Walter Pfeiffer voiced concerns regarding the landscaping and type of retail uses that would occupy the site. It was not known what type of retail uses would occupy the site.

Mr. Winters moved to approve the following: a variance of section 1204.2.E.5.d. to permit a sidewalk to be located within the 20 foot improvement area along Oregon Pike within lots 1 and 2, and to permit the common access drive to be located within the 20 foot improvement area along the common lot line between lots 1 and 2; a variance of section 2006.2. to allow the proposed sidewalk to be constructed paralleling the Oregon Pike 3 feet from the front property line / street right of way line; a variance of Section 2305.1.C. to permit the required 10 foot separation distance between the highway access drive and side lot line be eliminated for the common access drive along the common lot line between lots 1 and 2; a variance of section 2305.3. to permit the light from the anticipated light fixtures along the common access drive and within parking areas on lots 1 and 2 not to exceed 5 foot candles at a height of 3 feet only along the common lot line of lots 1 and 2; a variance of section 2312.2.A. to permit the required 10 foot planting strip along Oregon Pike to be located within the 20 foot improvement area instead of being immediately adjacent to the right of way line along Oregon Pike and the 10 foot planting strip along the common access drive not adjacent to the property line and the 10 foot planting strip along the south side of lot 2 to be located not adjacent to the property line; a variance of section 2312.3.A. to permit the required landscape screen within the 10 foot planting strip to be located within the 20 foot improvement area adjoining the Oregon Pike street right of way, but not measured from the street right of way line of Oregon Pike; a variance of section 2208 to allow permits to be obtained within 12 months from zoning approval and to extend the date of construction to be completed within 12 months from date of obtaining permits, with the following conditions to include the restrictions on the use of the property as set forth in the declaration of restrictions recorded in the office of the recorder of deeds in Lancaster County Pennsylvania, instrument number 5914315, a copy of which was attached to the application as exhibit "B" consistent with the testimony and exhibits presented before the Board this evening. Mr. Byram seconded the motion. The motion was approved 5-0.

The meeting adjourned at 7:00 PM. The next regularly scheduled meeting will be held on Monday, June 6, 2011 at 6:30 P.M.