

BOROUGH OF LEMOYNE PLANNING COMMISSION

August 13, 2019

MEETING MINUTES

The monthly meeting of the Lemoyne Planning Commission was held Tuesday, August 13th, 2019 at 7:00 p.m. at 510 Herman Avenue, Lemoyne, PA.

Roll Call

LPC Members Present: Mr. Zach Border, Ms. Gale Gallo, Mr. Gene Koontz, Mr. Thomas Bank

LPC Members Absent: None

Borough Staff: Mr. Tom Yurchison, Code Enforcement Officer; Mr. Cliff Karlsen, Maintenance Department Superintendent; Mr. Mike Knouse, Borough Engineer

CCPD Staff: Ms. Stephanie Williams

Applicants/Representatives: Mr. Scott Staiger, Mr. Michael Serluco – Consolidated Properties; Mr. Jamie Strong, McNees Wallace & Nurick LLC – Convenience Store Text Amendment

Guests/Residents: Attached

Press: none

Vice Chair, Gale Gallo, explained that the Chair was running late and called the meeting to order at 7:07 p.m.

Public Comments

Mr. Michael Twigg – 247 Walnut Street

Mr. Twigg requested that public comments be allowed after presentations for the agenda items. Ms. Gallo stated that she would relay the request to the Chair when he arrived.

Mr. Twigg expressed his concerns about the proposed text amendment for convenience stores and the effects that it would have on the surrounding area. He stated that he had submitted a letter to the Planning Commission by email along with recommended changes to the Zoning Ordinance to address several of the impacts a convenience store would have on the surround properties. Mr. Bank stated that the email was shared with the LPC members and asked permission to include the letter and recommendations with the meeting minutes. Mr. Twigg gave such permission (letter and recommendations attached).

Mr. Blair Trogner – 4 Sentry Point Road

Mr. Trogner also requested that public comments be allowed after any presentations to be able to address any new information presented. Ms. Gallo acknowledged his request.

Mr. Trogner objected to the text amendment process, which he felt gave unfair consideration to the requests of a single property owner. Mr. Trogner had spoken at the time the zoning was changed from Commercial to Downtown and accepted the LPC's decision at that time for the greater good of the area. He does not feel that adequate time has been given for the zoning change to run its course. Although he supports the right of Mr. Serluco to use his property, he objects to the text amendment relating to traffic and its impact on surrounding properties, including his own.

Mr. Charles Hooker – 230 Walnut Street

Mr. Hooker also requested that public comments be allowed after any presentations to be able to address any new information presented. Ms. Gallo acknowledged his request. Mr. Hooker also noted his letter sent the previous month along with a petition signed by others objecting to the text amendment.

Review/Approval of July Minutes

The meeting minutes for the July meeting were reviewed. Mr. Koontz motioned for approval of the minutes, Mr. Bank seconded, with all in favor.

Unfinished Business

Text Amendment Review for allowing convenience stores in the downtown district

Mr. Strong, Mr. Staiger, and Mr. Serluco presented a brief synopsis of the issue. The text amendment would address a long-term vacant property, continue the streetscape improvements east of Third Street, and improve access management at the Third and Market intersection. The alternative is for the property to remain vacant and a blight on the area. He concluded that the development will improve the situation and that the positive aspects will outweigh any negative impacts.

The property has remained vacant due to the inability to market it with current zoning. A letter was sent to the LPC concerning the review by the County of the text amendment (attached). The property is at the periphery of the Downtown district and does not fit in with the Downtown requirements for pedestrian access as there is no streetscape east of Third Street. PennDOT estimates 17K daily trips average on Market Street and 18K daily trips on Third Street. The fuel component of the convenience store would capture this existing traffic, not create new traffic. The convenience store component would capture existing pedestrian traffic. There would be no further vehicle components such as a drive-thru, car wash, etc, that would increase traffic.

The Consolidated Properties team respectfully requested that the text amendment be approved.

Mr. Koontz requested the County to explain their reasoning behind their review and “inconsistent” rating of the text amendment (attached).

Ms. Williams explained that the County’s role was to focus on the County and Local Comprehensive Plans to review consistency between those documents and a proposed ordinance change. The County determined that the text amendment was inconsistent due to the automotive intense use of the text amendment compared to the pedestrian nature of the area in the County and Local Comprehensive Plans. The proposed use in the text amendment was more consistent with the automotive oriented Commercial District. Eliminating the fuel component of the text amendment would bring it more in line with the intention of the Downtown District. Mr. Serluco noted that was not possible.

Ms. Williams also noted the frequent change requests to the Zoning Ordinance in the past year and suggested that the LPC revisit overall planning in a holistic manner rather than making these frequent changes to small parts of the ordinances and Borough.

Mr. Koontz admitted that he was new to the LPC and didn’t have the history of other members to draw upon. He asked if it was unusual for the length of time since the overall planning was reviewed. Ms. Williams responded that it was not unusual, but also not recommended.

Mr. Koontz stated that pedestrians and traffic were a concern and asked if a traffic study would be done. Ms. Williams stated that a traffic study would be a typical item in the development process. Mr. Koontz expressed a desire to make the bottleneck safe for pedestrians and bicyclists and noted that Walnut Street would also be impacted by the development.

Mr. Bank stated that traffic and pedestrian safety were concerns for the area. The Borough Council has been looking at changes for a pedestrian/bicyclist corridor through the bottleneck and that he nearly always sees pedestrians and bicyclists when he is traveling through the area – including after dusk.

Ms. Gallo expressed similar concerns for pedestrians and bicyclists. She noted that there seems to be more awareness of pedestrians and bicyclists in larger cities, but that it is a major concern in our area. There needs to be more driver awareness of pedestrians and bicyclists.

Ms. Gallo stated that she does not feel that the development will benefit pedestrians and that it will add more traffic despite the assurances that only existing traffic will be captured.

Mr. Border acknowledged Consolidated Properties. Mr. Strong stated that he recognizes that pedestrians use the bottleneck, but that the property does not fit pedestrian uses as outlined in the Zoning Ordinance. He stated that the results of the traffic study would be fundamental. Their intention is to limit left turns. He stated that the development will improve the situation and again stated that the positive aspects will outweigh any negative impacts.

Mr. Koontz asked if Consolidated Properties was prepared for significant costs of traffic access? Mr. Strong stated that they would be required to meet the PennDOT requirements and were committed to doing so. However, if the costs were such that the development was not profitable with such costs, they would have to reconsider.

Mr. Koontz asked if there was a commitment to pedestrians and Mr. Strong answered in the affirmative. Mr. Koontz stated that the recommendations by Mr. Twigg were all good ideas and asked that they be considered. He asked if there was any intention of bulk propane filling and Mr. Staiger stated that was not typical for 7-Eleven – that they typically had exchange of tanks and not filling from bulk storage. Mr. Koontz asked about electric vehicle charging and Mr. Staiger stated that WaWa was making such a push with their locations and that he expected to see more of it in the future. He further stated that he saw people making use of Speedway when traveling east and 7-Eleven when traveling west to avoid left turns. This would actually benefit the current situation. He concluded that enforcement of existing pedestrian safety laws at crosswalks needed to be addressed.

Mr. Border opened the floor to public comments.

Mr. Blair Trogner – 4 Sentry Point Road

Mr. Trogner asked if there had been any changes to the text amendment since it was last presented. Mr. Bank read through the text amendment and noted minor changes as discussed at the last meeting. Mr. Trogner asked if the text amendment eliminated convenience stores in other Districts? The answer was no. He asked if it eliminated other convenience stores in the Downtown District? It was noted that the text concerning no other convenience stores had been eliminated. Mr. Trogner finished by stating that he felt the text amendment changes the nature of the Downtown District and that the LPC should consider such implications.

Mr. Michael Twigg – 247 Walnut Street

Mr. Twigg noted that there was much talk of the traffic study and that it should be understood that it will only tell what the impacts will be and not disallow the development. It is a given that the development WILL change how traffic flows.

Mr. Twigg stated that he did appreciate Consolidated Properties comments about the streetscape, but questioned the scale of the development. Were twenty foot tall fueling canopies pedestrian in scale? He finished by stating that the proposed development was not a community market and that he did not foresee shopping there despite its proximity to his home. There were many alternatives already in the area that would offer him better options.

Mr. Charles Hooker – 230 Walnut Street

Mr. Hooker stated that he regularly walked to Harrisburg, City Island, and the Wormleysburg waterfront and that this was the only route available. As such, he was concerned about the impacts to pedestrians by this automotive oriented development. Mr. Koontz noted that he also regularly walks through the bottleneck and that the improvements to the intersection would benefit pedestrians.

Mr. Hooker addressed the 24-hour nature of the business and its negative impact on the surrounding residential neighborhood.

Mr. Michael Twigg – 247 Walnut Street

Mr. Twigg stated that he appreciated the effort that Consolidated Properties was making, but respectfully disagreed with their positions on the positive and negative impacts to the area. Mr. Twigg asked the LPC to fully consider these impacts and address the entire scope of the project.

Mr. Staiger stated that there were technological improvements to lighting and that today's LED lighting would be less problematic than even that of ten years ago. Mr. Bank agreed with the improvements, but pointed to the recent streetlight conversion to LED as an example of poor technology still being used.

Mr. Border asked for a motion on the proposed text amendment.

Mr. Bank attempted to make a motion to table the discussion until such time that more of the issues could be explored and addressed. Mr. Knouse reminded the LPC that the clock was ticking and that if no action was taken in 45 days that the amendment would be approved. As such, Mr. Bank made a motion to recommend that Council not approve the text amendment on the basis of the unresolved issues discussed. Mr. Koontz seconded the motion.

Ms. Gallo noted that a majority of Borough Council was present at the meeting and that as Council President, she abstained from voting on the topic. Mr. Bank voted in favor of the motion, Mr. Border and Mr. Koontz voted against, and the motion did not pass.

Mr. Koontz moved to recommend the current text amendment from Consolidated Properties to Council. Mr. Border seconded. Mr. Border and Mr. Koontz voted in favor of the motion, Mr. Bank voted against, and the motion passed.

Mr. Knouse mentioned the County and Public concerns for the issues with the Comprehensive Plan and Zoning Ordinance review and suggested that this be brought to the Council's attention. Ms. Williams stated that the County has funding available to update Comprehensive Plans and would pay 50% of such costs.

Mr. Koontz stated that in light of the County's review of recent Borough of Lemoyne planning and zoning issues and questions as to whether our comprehensive plan and related ordinances, developed over a decade ago, are still relevant, he moved that the Planning Commission recommend that Borough Council consider an update to the comprehensive plan and also whether broader changes to its zoning ordinances are warranted. Ms. Gallo seconded, with all in favor.

New Business

None

Officer Reports

None

Staff Reports

Mr. Karlsen stated that the properties mentioned last month as requesting rezoning would be coming to the September meeting and also that a Land Development submission would be included.

Miscellaneous Comments/Announcements

None

Next Meeting

The next regular meeting of the Lemoyne Planning Commission will be held on Tuesday, September 10th, 2019 at 7:00 p.m. at 510 Herman Avenue, Lemoyne, PA.

The meeting was adjourned at 8:12 p.m.

**Minutes prepared by
Thomas Bank, Secretary
Lemoyne Planning Commission**

BOROUGH OF LEMOYNE
Planning Commission
Thursday, August 13, 2019
GUEST SIGN IN

[illegible]

Dear Planning Commission Members,

I have been unable to attend recent commission meetings or Borough Council meetings, but it has come to my attention that the zoning ordinance text amendment proposed by Consolidated Properties to allow convenience stores in the downtown zoning district - which was previously not endorsed by the planning commission - has been returned to the Planning Commission with instructions from Council to develop language that will give the developer what he is asking for. This email is to submit my objection to this action.

During past meetings I've heard statements of support or justification for the amendment including that a traffic study will be done to mitigate traffic impacts, that a convenience store in the downtown will provide additional services to the residents, that other ordinance provision already address all the negative impacts, and that this kind of development wouldn't be as bad as other already permitted uses. Unfortunately, these statements rarely included the full truth. Let me explain.

The developer's promise that a traffic study would help mitigate the traffic impacts of the development does not clarify that "mitigate" does not mean "eliminate". In this context, "mitigate" does not even mean post-development traffic will be less than the pre-development condition. A heavily vehicle-oriented use like a gas station and convenience store will, without a doubt and without a traffic study, create more traffic at one of the already most congested intersections in the area. A traffic study will never say, "no development should be permitted"; it will only tell you how bad it is going to get and what you can do to TRY and ease the pain. Look around the area. Many developments included a traffic study, yet most created worse traffic congestion. Don't be fooled by the developer's promise of "mitigated" traffic.

Lemoyne residents already have access to all the services this gas station and convenience store would offer. There are numerous gas options within blocks of this location. There are numerous shopping and food options around town. Interestingly, many of those that used to offer 24-hour service no longer do - either due to lack of customers or an increased risk of crime. Either way, this is evidence that the residents are not asking for these additional services. This business will be used primarily by those passing through Lemoyne. This is not the kind of development that will encourage people to stop and spend time in Lemoyne. Most customers won't care about Lemoyne.

Lemoyne's ordinances were written with the understanding that gas stations and convenience stores were not permitted in the downtown zoning district. While developing the existing language, no one asked, "Does this clause adequately address gas stations or convenience stores in the downtown district?" Allowing them now changes how you need to look at the whole ordinance. You need to look at the entire document to ensure the provisions for outdoor lighting, noise, pollution, setbacks, parking, buffering, stormwater, etc., etc. adequately address this change. You cannot simply add a few paragraphs that permit a brand new use in an area of town and assume everything will be compatible. You cannot take the developer's word that the other provisions are already sufficient. A quick look through the ordinance raises questions related to sound, outdoor lighting, and pedestrian safety - to name a few.

Finally, I've heard it said at meetings that this type of use is no worse than other already permitted uses. For example, a comparison between the traffic at a hotel (which is permitted in the downtown district - though unlikely) and this gas station and convenience store use was suggested at one meeting as being similar. This is far from true. Traffic is more than just cars. It's the number of cars, the density of cars at certain times of day, the movement of the cars, the activities of the occupants of the site and when they

use their cars, etc. A hotel has peak times of activity during check-in and check-out, but for most the of the day - and especially the night - there is very little vehicle activity; and very little activity in general. A gas station and convenience store is vehicle heavy and activity heavy at all times. Regardless of the specific comparison and the associate debate, should the goal be to accept something that is "not as bad as it could be" instead of demanding "the best that it can be"? Is the goal mediocrity? The prominent location of this site will make this business a landmark used in giving directions, in orienting people, and in referring to Lemoyne. Do you want Lemoyne to be known for its gas station?

In closing, let me quote the zoning ordinance:

"To encourage the continued use and reuse of land and buildings within the "town center" for a compatible mixture of a variety [of] pedestrian-oriented businesses, residential uses, and those uses which are compatible with the "town center."

The Downtown District is intended as a pedestrian-oriented district. Is there a more non-pedestrian, vehicle-oriented business than a gas station? Is a gas station compatible with Lemoyne's "town center"? The answer to both is resoundingly "NO". If the desirable aspect of the proposal is the store, then create a Community Market use for the downtown district without vehicle fueling and without 24-hour operation. This would serve the neighborhood. This would be a businesses that would encourage people to stay and visit other downtown areas. This is a business residents would walk to. A gas station and convenience store will not do this.

Please strongly consider the impact of the requested amendment on the immediately surrounding neighborhood. Take a narrow view and consider the impact on the people that have to live next to it, behind it, and down the street from it. Consider if this ordinance change serves the Lemoyne residents, or just a developer. Consider if this will strengthen Lemoyne as a community or just fill an empty building with whatever comes along.

At the very least, please consider whether the existing zoning ordinance in its entirety really, truly adequately addresses this change in allowable use. In the unfortunate event the developer's text amendment is accepted, attached are some recommended modifications to various sections of the zoning ordinance intended to ease the inevitable negative impact created by the close proximity of residential and this highly non-residential use and the placing of a vehicle-oriented business in a pedestrian-oriented district. Some of these recommendations are specifically the result of permitting gas stations and convenience stores in the downtown district while others are just improvements to the overall ordinance language.

Thank you for your time and patience in reading this email.

Michael Twigg
247 Walnut Street

Recommended Modifications to the Lemoyne Borough Zoning Ordinance

Section 550.16:

*To encourage the continued use and reuse of land and buildings within the "town center" for a compatible mixture of a variety **pedestrian-oriented** businesses, residential uses, and those uses which are compatible with the "town center."*

Explanation: These recommendations are intended to reinforce the Downtown District as a pedestrian-oriented area where people are to be encouraged to walk. They are also intended to ease the negative impact created by the close proximity of residential and non-residential uses within the Borough by eliminating items of conflict between the two types of uses. Some of these recommendations are specifically the result of permitting Convenience Stores in the Downtown District while others are just improvements to the overall ordinance language.

Modify 550.49(B)(2)(c)[6] to read:

*Unamplified human voices or the sound of a single animal, **occurring for short-duration and not recurring over successive days.***

Explanation: The ordinance currently exempts unamplified human voices and sounds of single animals without any consideration of duration or recurrence. This could become a problem as it relates to commercial properties in close proximity to residential properties.

Modify 550.49(B)(9)(a) to read:

*All outdoor lighting fixtures including, but not limited to, those used for parking areas, buildings, building overhangs, canopies, displays and landscaping, shall be full-cutoff-type fixtures **with maximum 3000K CCT.***

Explanation: Blue-white light from high color temperature light sources has been shown to produce increased glare, contribute more to skyglow light pollution, and cause disruption to the circadian rhythm of animals and humans. A maximum 3000-degree kelvin correlated color temperature combined with full-cutoff fixtures is recommended by the International Dark-Sky Association. The IDA offers much larger model ordinances on their website, darksky.org, that addresses many more negative aspects of outdoor lighting, but requiring full-cutoff fixtures with a maximum CCT is a start.

Modify 550.49(9)(e) to read:

Light trespass over a nonresidential or mixed-use property line shall be limited to no more than ~~0.5~~ 0.1 footcandle measured at the property line. All on-site lighting of buildings, lawns, and parking areas shall be designed so as not to shine onto any adjacent property or building, or to cause glare onto any public street right-of-way or vehicle thereon.

Explanation: The 0.1 footcandle level is recommended by the US Green Building Council as the maximum level for light trespass in the International Dark-Sky Association's Light Zone 2 for light commercial and high density or mixed use residential areas. 0.5 footcandles is permitted in the least stringent light zone with high ambient light levels like high density entertainment districts and industrial uses. This is NOT the light level used or needed within the property, but rather the amount of light trespass permitted onto an adjoining property.

Modify 550.49(9)(i)[1] to read:

Decorative outdoor lighting fixtures with bulbs of less than ~~25-watts~~ 200 lumens, installed seasonally, are exempt from the requirements of this subsection.

Explanation: Watts is the measure of electric use; and lumens is the measure of light output or brightness. Different bulb types produce different light outputs at specified wattages. For example, a 25 watt incandescent bulb produces around 200 lumens, but a 25 watt LED bulb produces around 2500 lumens - more than 12-times the light output at the same wattage. Using the light output level would be more consistent across multiple bulb types.

Modify 550.58(D)(4) to read:

Light trespass from any type of sign that is projected onto a residential use from another property shall not exceed ~~0.2~~ 0.1 footcandle above ambient conditions, measured at the property line along a line of sight to the sign. Existing signs that are unable to meet the illumination requirements due to controller limitations and that are visible to a residence within 200 feet of the sign shall be turned off between the hours of 11:00 p.m. and 6:00 a.m.

Explanation: The 0.1 footcandle level is recommended by the US Green Building Council as the maximum level for light trespass in the International Dark-Sky Association's Light Zone 2 for light commercial and high density or mixed use residential areas. 0.5 footcandles is permitted in the least stringent light zone with high ambient light levels like high density entertainment districts and industrial uses. This is NOT the light level used or needed for illumination of the sign, but rather the amount of light trespass permitted onto an adjoining property.

Add to 550.83.F for Convenience Store in Downtown District:

- *If food is prepared on-site, then a seating area for on-site consumption of food shall be provided.*

Explanation: The Downtown District is intended as a pedestrian-oriented district. Businesses within the district should encourage people to stay and visit other downtown areas. Without seating for on-site prepared foods, the food service part of the business will be carry-out only encouraging people to drive in and quickly drive out. Getting people out of their cars to stay downtown is important to the downtown's success.

- *Provide pedestrian connection between the business's main public entrance and the public right-of-way that is primary over vehicular access and circulation, and either does not cross vehicular driveways or parking areas, or crosses in locations and routes clearly designated for pedestrian crossing and are both physically separated and visually differentiated from the vehicular-way. This does not apply to sidewalk crossings of main driveways from adjacent roadways.*

Explanation: The Downtown District is intended as a pedestrian-oriented district. Businesses within the district should encourage people to walk to and from other businesses. Providing a clear and safe pedestrian way between the business's entrance and the public way is crucial to encouraging pedestrian movement around town. Most businesses in the downtown district have entrances that directly connect with the streetside sidewalk. This adds to the "Main Street" feel of the downtown; and improves the feeling of safety along a busy street. In cases where the pedestrian way must cross a vehicular way, physical separation can be accomplished with features such as raised crosswalks (which also slow traffic), and visual differentiation can be accomplished with paint stripping, color changes, or material changes.

- *Systems for the amplification of voice, music, or other sounds are not permitted, except for direct communication to a specific customer at a single gas pump.*

Explanation: There should be no need for wide-range amplified sound systems. The ordinance's existing noise pollution provisions don't specifically cover amplified sound systems.

- *Dumpsters and other bulk waste containers shall be emptied only between the hours of 7:00am and 9:00pm.*

Explanation: The existing noise pollution provisions don't specifically cover noise from bulk waste pickup.

- *Bulk filling of portable propane tanks is prohibited.*

Explanation: This is intended to prohibit the installation of a large propane tank and filling of portable propane tanks in close proximity to residential properties. This does not prohibit the sale of per-filled tanks or the use of a propane tank for use as a heating fuel.

- *Where gasoline pumps are installed for fueling passenger vehicles, level-2 or better electric vehicle charging stations shall also be provided. Chargers shall be compatible with multiple vehicle manufacturers and vehicle types. Chargers shall be provided in a minimum ratio of 1 electric vehicle charging connection per 4 gasoline dispenser hoses. Vehicle charging spaces cannot be included in the count of required parking spaces.*

Explanation: The Downtown District is intended as a pedestrian-oriented district. Providing electric vehicle charging options will allow electric and plug-in electric hybrid vehicle owners to refuel their cars while spending time walking through Lemoyne's downtown. If Lemoyne is going to allow vehicle refueling downtown, they should expand the offering to the growing trend for electric vehicles. This is an opportunity for Lemoyne to be on the forefront of a positive technology and support an innovative way to get people downtown. This provision does not prohibit the owner from charging for use of the charging station. As an alternative, instead of requiring a developer to do this on his own property, the ordinance could require the developer to install a charger somewhere else in town at a location selected by Council.

400 North Front Street
Wormleysburg, PA 17043
717 - 761-3558

CONSOLIDATED PROPERTIES

August 13, 2019

Lemoyne Borough Planning Commission
510 Herman Avenue
Lemoyne, PA 17043

RE: Cumberland County Planning Commission Comments

- We are NOT disputing the fact that CCPC finds the project inconsistent with EXISTING land use concepts for the Downtown District.
- The problem occurs with the fact that those land uses have been static for 10 years.
- Simply calling a district "Downtown" does not make it so! If you look at the mixture of businesses, there are no "Strolling" from business to business aspects to Lemoyne's Downtown. They are ALL Destination locations - music shop... dance studio...kitchen remodeling... professional offices - unlike the shops associated with High & Hanover Streets in Carlisle - restaurants, antique stores, clothing stores, brewpubs etc. - All of Lititz -and to a lesser extent Mechanicsburg. Further in all these cases the Boroughs have provided significant public parking.
- This makes the vision of a walking down town not financially feasible - case in point was our tenant Juice and Grind - the tenant's concept was a mix of retail, service and a coffee shop rolled into one stop - which would fit the ideal of that down town vision. *It Financially Failed!!!!*
- The recent restaurant failures and closures in the district are further cases in point (Davy Bones and Subway).
- THE KEY to CCPC's recommendation is Paragraph 5 - rework your comprehensive plan to reflect a new vision for downtown. We agree with that ... but NOT at the expense of delaying a strong and vital anchor for that new vision, an increase to the tax base, and a solid sign to other businesses that Lemoyne is open for Business!
- As a practical matter - if you truly want revitalization, redevelopment, and the ability to bring in a town partner, then we are asking for you to recommend the zoning amendment rather than lose this opportunity for a national company to welcome folks to Lemoyne.

Your consideration is appreciated.

Sincerely


Michael A. Serluco

400 North Front Street
Wormleysburg, PA 17043
717 - 761-3558

CONSOLIDATED PROPERTIES



June 4, 2019

Lemoyne Borough Council
510 Herman Avenue
Lemoyne PA, 17043

RE: Text Amendment for Downtown District

Dear Council Members:

Cumberland Road in Lemoyne has been my home for 44 years, way back when Lemoyne was a walking town. But, alas it is no more.

The reality is that traffic in the greater Harrisburg Area has grown far faster than our immovable infrastructure can handle. In the year 2000 Interstate 83 coming up to 581 had 59,000 cars per day, by 2016 it grew to 66,000. Route 581 between there and the river grew from 88,000 cars per day to 98,000. This growth, combined with Penn DOT's redesign of the 83/581 interchange (fencing off local access to the highways - the old Brandt Avenue entrance to 83N for example), has forced drivers to find alternate routes, which include Third Street (18,000 Cars per day) and Market St (15,000 Cars per day) along with the Bottleneck (17,000 Cars per day).

Long term businesses like Subway to Davy Bones, the new Barbeque restaurant have closed as the unbelievable traffic makes access very difficult. In addition, the Mom and Pop stores are becoming a thing of the past all over the country.

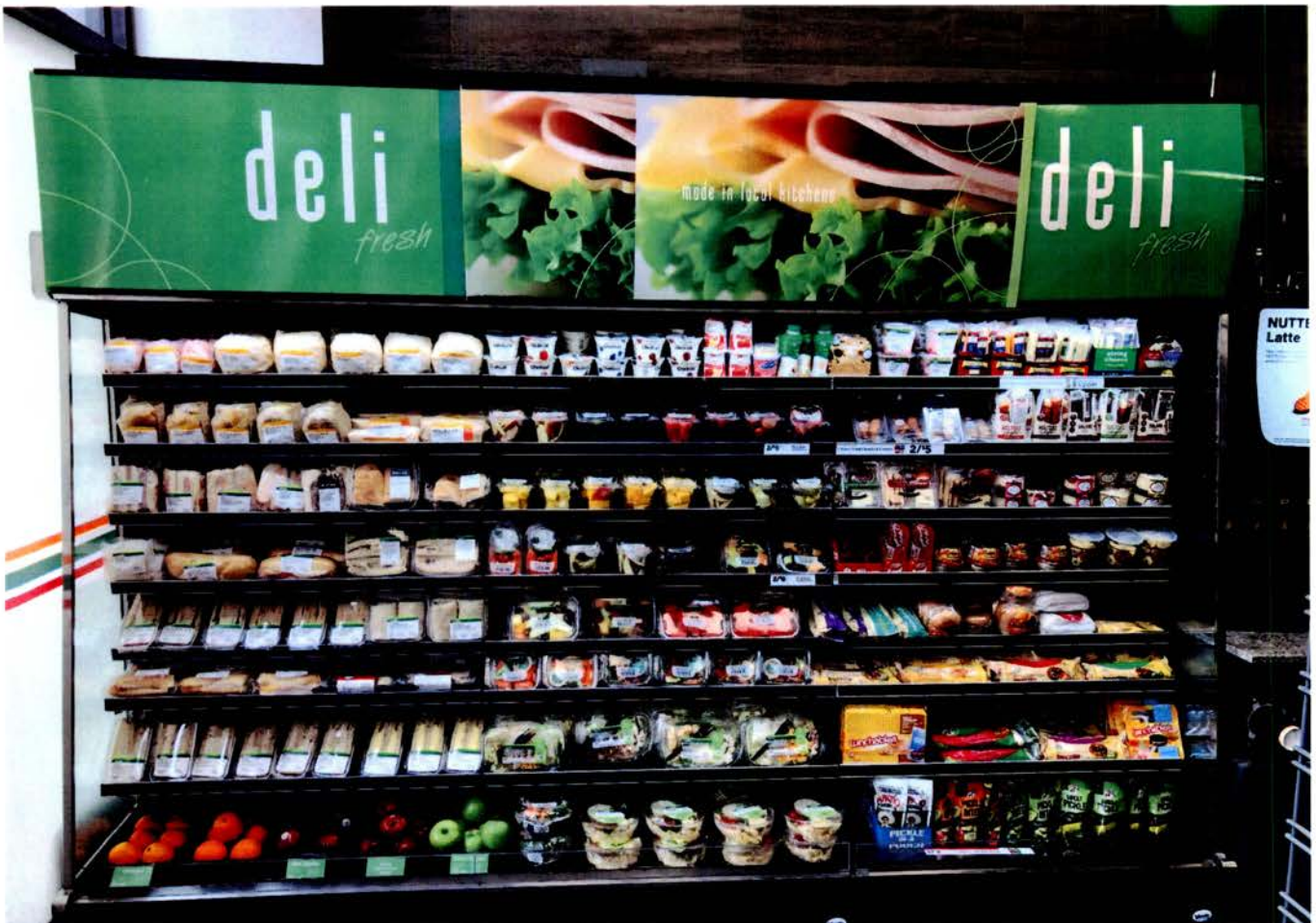
I can't change the reality of the area's growth, but after years of searching I can bring in a National Tenant (7-Eleven) to anchor the down town district at 271 Market Street. I can re-model the existing building for a new 7-Eleven to welcome all to Lemoyne rather than continuing to have an empty building (9 years) for who knows how long. Accordingly, I request the Borough approve a text amendment that will allow 7-Eleven to become a long-term member of our community as the initial lease term would be for 15 years plus options. Finally, to aid the progress of this project I plan to contribute \$250,000 toward site and building improvements.

Your consideration of my request is appreciated.

Sincerely,

Michael A. Serluco











Cumberland County Review Report

Cumberland County Planning Department
310 Allen Road, Suite 101
Carlisle, PA 17013
Telephone: (717) 240-5362

<i>Name of Amendment:</i>				
Downtown Text Amendment				
<i>Municipality:</i>	<i>Date Received:</i>	<i>Date Reviewed:</i>	<i>Reviewed By:</i>	<i>Checked By:</i>
Lemoyne Borough	7/23/2019	8/9/2019	SW	KS
<i>Type of Amendment:</i>			<i>Recommendation:</i>	
Zoning Text			Disapproval	
<i>Explanation of Amendment:</i>				
Amend the Downtown Zoning District to permit Convenience Stores				
<i>Consistent with Municipal Comprehensive Plan:</i>		<i>Consistent with County Comprehensive Plan:</i>		
Project is not Consistent		Project is not Consistent		
<i>Comments and Recommendations:</i>				
<ol style="list-style-type: none"> 1. The purpose of the Downtown Zoning District is to encourage a mixture of pedestrian oriented businesses, residential uses and those uses which are compatible with the "town center." The proposed amendment would permit convenience stores, including an establishment with retail sale of fuel, in the Downtown Zone. 2. Consistency with the 2017 Cumberland County Comprehensive Plan: <ol style="list-style-type: none"> a. Grow Chapter, Land Use Objective 4, Strategy A (Page 27) recommends providing land uses in appropriate locations by implementing the County's character area concept. Downtown Character Areas are the traditional central business districts typically found in boroughs. Downtowns contain high density, pedestrian oriented commercial development and are supported by high density residential development. Economic development opportunities are community-oriented commercial retail, services and office uses. Convenience stores, with retail fuel sales, are a more intense, automobile oriented use that is more appropriate for a Commercial Character Area than the Downtown Character Area. b. Grow Chapter, Land Use Objective 1, Strategy B (Page 24) recommends supporting Cumberland County's "Core Communities by assisting with advancement of their local revitalization efforts. The proposed change has limited consistency with the Imagine West Shore Plan's downtown revitalization strategies (see below #2). c. Grow Chapter, Land Use Objective 3 (Page 26) recommends providing for a diversity of land uses. Currently, convenience stores are already permitted in the Commercial General Zone. There are at least 3 existing convenience stores within approximately 1/2 mile of the proposed new development (Lemoyne Mart .3 miles, Speedway .3 miles, Turkey Hill .6 miles) d. Grow Chapter, Land Use Objective 3, Strategy D (Page 26) encourages the protection of community character. The proposed use does not appear consistent with the sense 				

of place characteristic of a traditional downtown area.

3. Consistency with the Imagine West Shore Comprehensive Plan

- a. Future Land Use & Development (B.1, Page 8-9) The Downtown land use classification is intended to accommodate pedestrian-oriented and pedestrian-dependent business, public and residential uses. The Commercial land use classifications are intended for more intense, automobile-oriented retail uses. A convenience store with retail fuel sales would be more appropriate for the Commercial classification areas.
 - b. Downtown Design (B.2, Page 6) Downtown revitalization principles discourage automobile-oriented and automobile dominated uses.
 - c. Downtown Design (B.2, Page 29) Redevelopment should contribute to and enhance the existing character of downtown areas. The proposed use does not appear consistent with the character of a downtown area.
4. The proposal to add convenience stores with retail fuel sales to the Downtown zoning district is inconsistent with both the county and municipal comprehensive plans. To achieve greater consistency, the applicant could consider amending the proposal to eliminate the retail sale of fuel. The retail fuel sales component of the proposal creates an automobile oriented use that conflicts with the stated goals of the comprehensive plan and purpose of the Downtown zoning district. A pedestrian friendly, community oriented convenience store would be more consistent with the comprehensive plan and intent of the zoning ordinance.
5. The Borough has considered 3 zoning amendments in 2019. Additionally, the Borough is currently evaluating an overlay district along a section of 3rd St. to address existing conditions—such as blight, property maintenance and the lack of green space—as well as opportunities for improvement ahead of the coming streetscape phase III. The Borough should evaluate its comprehensive plan to determine if the goals and objectives developed 10 years ago are still relevant. If not, the Borough should consider making broader changes to its zoning ordinance, in lieu of standalone zoning amendments, that reflect a current vision for key areas such as the Market Street and 3rd Street corridors.
6. The Borough should consider the following traffic issues created by an automobile oriented use in concert with the proposed zoning change.
- a. The potential for cut through traffic into adjacent residential streets for drivers trying to avoid using Market Street.
 - b. The impacts of left turns from eastbound Market Street traffic onto 3rd Street to access the site.

"Section 505 (b) and 609 (g) of the Municipalities Planning Code requires that amendments to municipal ordinances be filed with the county planning agency. If this amendment is approved, please forward a final copy to the county planning office so we may update our records."