

BOROUGH OF LEMOYNE PLANNING COMMISSION
May 14, 2019 **MEETING MINUTES**

The monthly meeting of the Lemoyne Planning Commission was held Tuesday, May 14th, 2019 at 7:00 p.m. at 510 Herman Avenue, Lemoyne, PA.

Roll Call

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

LPC Members Absent: none

Borough Staff: Cliff Karlsen, Mike Knouse

CCPD Staff: Stephanie Williams

Applicants/Representatives: Mr. Scott Staiger, Mr. Charles Courtney, McNees Wallace & Nurick, LLC (representing Consolidated Properties)

Guests/Residents: Sign-In Sheet was not provided

Press: none

The meeting was called to order by Chair Zach Border at 7:12 p.m.

Review/Approval of April Minutes

The meeting minutes for the April meeting were reviewed. Ms. Gallo motioned for approval of the minutes, Mr. Koontz seconded, with all in favor.

Mr. Bank noted that Ms. Cindy Foster had commented that previous minutes had “stuck” on being listed as February. Mr. Bank had corrected all past minutes with that error and sent the revised minutes to the Borough for updating the website.

Public Comments

Ms. Kim Huenke – 218 Walnut Street

Ms. Huenke expressed her concern for the proposed 7-Eleven at the corner of Market and Third Street. She mentioned noise, 24-hour traffic, and light pollution and their effects on adjacent residents. She urged the LPC members to consider this issue carefully as once it was allowed, it cannot go back.

Unfinished Business

Zoning Map Changes

Mr. Staiger and Mr. Courtney briefly presented an update to the requested text amendment. The amendment was provided to the LPC with red-marked changes from the amendment provided previously.

A letter from Mr. Charles Hooker of 230 Walnut Street was distributed (attached). It addressed his concerns for the text amendment. These included the negative impact of a 24-hour business on adjacent residences; traffic concerns for the Third and Market intersection; and the impact that gasoline, cigarette, tobacco, and possibly alcohol sales would have on the immediate area. He also expressed concerns for “games of chance/skill” that are becoming popular at convenience stores. He concluded his letter with suggestions for changes to the Zoning Ordinance.

Mr. Blair Trogner – 4 Sentry Point Road

Mr. Trogner briefly questioned whether the property was a lease or being sold and asked for an explanation of the amendment process. The property would be leased and Mr. Knouse explained how the amendment would be considered by the LPC and Council, the public advertisements, and the time required.

Mr. Koontz asked about the language for fuel and gasoline sales and asked whether charging stations for electric vehicles can/should be included. Ms. Williams suggested that these issues be addressed in the definition of the use.

Mr. Koontz also noted that he found a typo in the Zoning Ordinance at 550-65 C3 - "driveway shall be 15' from fire hydrant" and suggested that this should read "shall not." Mr. Bank noted that the wording may be unclear and suggested "shall be a minimum of 15' from..."

Mr. Koontz asked whether disallowing "games of skill/chance" would be a deal breaker for the project. Mr. Staiger noted that the property will not fit the definition of "truck stop" so "games of chance" would not be allowed.

Mr. Koontz asked if there would be outdoor speakers playing music or other broadcasts and whether the operation must be 24-hour. Mr. Staiger replied that it must be open 24-hours for his client and that there would be screens/speakers at the fuel pumps, but no overall broadcast speakers at the site.

Mr. Koontz stated that what was currently there was not pedestrian friendly and questioned whether the building could be moved closer to Market Street in line with other buildings on Market Street. Mr. Staiger replied that reuse of the existing building must be made as demolition and a new building would price the project out of the budget. Mr. Bank also noted that moving the vehicular access to the rear of the site would place it closer to the adjacent residences.

Ms. Gallo addressed the restrictive language of the revised amendment. As written, it makes the Third and Market property the only applicable property to the amendment. Mr. Staiger stated that the changes were made in response to LPC comments at the last meeting they attended where concerns were expressed that multiple properties could become large scale convenience store projects.

Ms. Gallo also addressed the traffic concerns, noting that the area is currently being looked at to resolve issues already there. She further stated that she felt that the community was currently well served by businesses such as the Speedway, Uni-Mart, Turkey Hill, and Weis and did not feel a need to change the situation to allow more.

Finally, Ms. Gallo commented that she was concerned about a direct call from the applicants that she and other LPC members received. She felt that these calls were meant to directly influence member's votes. It was stated that the calls were merely because there had been a break in the timeline as Consolidated Properties had not attended the previous month's meeting.

At this point, the floor was opened to the public for comment.

Ms. Rebecca Yearick of Cumberland County questioned whether there would be outdoor dining/seating and it was confirmed.

Ms. Sue Yenchko of Borough Council discussed landscaping to soften the Market Street corridor at the property. She mentioned the improvements that Speedway made to their site in cooperation with the Borough. She further mentioned landscaping and curb appeal and briefly discussed the Aesthetic Overlay that would be discussed later in the meeting.

Mr. Bob Huggler of 221-A South Third Street expressed his support for 24-hour service, which would serve those working alternate shifts.

Mr. Koontz asked about the scope of the traffic study. Mr. Knouse stated that PennDOT would set the scope, but that the Borough could add to that scope. Mr. Koontz requested that Poplar and Walnut be added to the scope as those streets would be affected as well.

Ms. Kim Huenke of 218 Walnut Street stated that Walnut already has issues with traffic and it was likely that those would be exacerbated by the increased access to the site. Mr. Staiger noted that there were current issues with traffic due to the vacant property being used and that those would be eliminated.

Ms. Williams stated that the text amendment had not been officially submitted to Cumberland County. She noted some issues with consistency for the definition of “Convenience Store” which should be addressed. Several items are addressed in both the amendment and the definitions which are in conflict with each other. In particular, the prohibitions should be addressed consistently. Of note was that the definition allows car washes while the amendment prohibits them. Mr. Bank noted that the amendment states that any inconsistencies are repealed, which could unexpectedly change uses in other areas of the Zoning Ordinance.

Mr. Knouse stated that the first question before the LPC was whether to permit a Convenience Store in the Downtown district? Then consider the details of the issue.

Ms. Gallo expressed her position that the community was well served already and that there was no need to change the Zoning Ordinance for a single property.

Mr. Koontz expressed his position that he did not feel that the Convenience Store was necessarily in line with the purpose of the Downtown district, but that it was not as bad as some other uses already permitted. He was inclined to move forward with the text amendment but to seek to limit light, noise, and traffic issues and make the situation as good as we can.

Mr. Bank agreed with Ms. Gallo’s position that the community was well served in this respect already and did not need changes for one property.

Mr. Border stated he was inclined to move forward with the text amendment.

As such, the issue was at a tie and a consensus was not reached. As such, the issue would be returned to Council for further direction.

New Business

Aesthetic Overlay

Ms. Yearick and Ms. Yenchko presented a background for the proposed Aesthetic Overlay within the Borough. Ms. Yearick stated she was currently working with another community to develop a “Village” zone. In Lemoyne, the Overlay would span across several zones along major corridors. The idea was to make funding available for property owners in the Overlay to facilitate improvements to the street views along these corridors. Successful examples in Cumberland County include Boiling Springs and Churchtown.

The Overlay would address alterations, materials, fences, plantings, and signage among other issues. This in turn would make the area more attractive to businesses, residents, and visitors. The Overlay would open up funding opportunities through Cumberland County’s Streetview program – a \$12K grant for exterior work.

Mr. Koontz asked for a timeline and the expected length of the process. Ms. Yearick stated there was no set timeframe.

Ms. Williams suggested adding onto the existing Development Compatibility Overlay (DCO). Mr. Knouse explained the parameters of the DCO and Ms. Yearick stated that the DCO was too large of an area – it would dilute the effect of the program.

Mr. Border asked how best to start the process and asked for more examples and other communities doing this. Ms. Yearick outlined the process as a joint task between the LPC and the Community Development Committee. It was agreed to schedule a scoping session for the joint members to talk and brainstorm what issues to address. Potential dates for the meeting would be discussed and forwarded to the group.

Officer Reports

Mr. Border stated that the LPC was currently accepting applications for a fifth member to replace Ms. Green after her resignation.

Staff Reports

None.

Miscellaneous Comments/Announcements

None.

Next Meeting

The next regular meeting of the Lemoyne Planning Commission will be held on Tuesday, June 11th, 2019 at 7:00 p.m. at 510 Herman Avenue, Lemoyne, PA.

The meeting was adjourned at 8:34 p.m.

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

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF LEMOYNE, CHAPTER 27, ZONING, SECTION 550-17, TABLE 550-4-2, AND SECTION 550-83.F TO PERMIT CONVENIENCE STORES IN THE DOWNTOWN DISTRICT, SUBJECT TO CERTAIN ADDITIONAL STANDARDS.

IT IS HEREBY ENACTED AND ORDAINED by the Borough Council of the Borough of Lemoyne, Cumberland County, Pennsylvania, as follows:

SECTION 1: Table 550-4-2 of Section 550-17 of Chapter 27 of the Code of the Borough of Lemoyne, known as the Lemoyne Borough Zoning Ordinance, is hereby amended to (i) add "Convenience store" as a permitted by right use in the Downtown (DT) District and (ii), for such use, insert "§ 550-83" as a section reference for specific use regulations.

SECTION 2: The supplemental standards for "Convenience store" under Section 550-83.F of the Lemoyne Borough Zoning Ordinance is hereby amended to include the following additional standards:

- (4) In the Downtown Zoning District, a convenience store that includes fuel/gasoline sales shall comply with the following additional standards:
 - (a) The convenience store shall be located on a lot existing as of the effective date of this Chapter, having a minimum lot area of 0.75 acres.
 - (b) The convenience store shall be located at the intersection of two arterial streets.
 - (c) The lot shall not be located a distance less than 1,000 feet of any property that is located in the Downtown Zoning District and used as a convenience store with fuel/gasoline sales, as measured along the right-of-way of a single street.
 - (d) Primary access to the lot shall in accordance with § 550-65.B of this Chapter.
 - (e) The maximum building footprint of the principal building shall be 3,500 square feet.
 - (f) The maximum number of gasoline/fuel canopies shall be one (1) per lot. The maximum number of gasoline/fuel pumps under said canopy shall be four (4), with each pump serving no more than two (2) vehicle fueling positions.
 - (g) The maximum height of any gasoline/fuel canopy shall be 20 feet.

- (h) Outdoor lighting shall comply with § 550-49.B(9) of this Chapter. All lighting fixtures shall be LED.
- (i) Drive-through facilities and vehicle washing and vacuuming facilities shall not be permitted.
- (j) Fuel delivery shall not be permitted between the hours of 11:00 p.m. and 7:00 a.m., prevailing time.
- (k) A traffic impact study in accordance with Chapter 480 relating to subdivision and land development shall be submitted.

SECTION 3: In all other respects, the Lemoyne Borough Zoning Ordinance shall remain as previously enacted and amended, which Chapter, as amended, is hereby reenacted in its entirety.

SECTION 4: All other ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 5: The provisions of this Ordinance shall be severable. If any of its provisions shall be held to be unconstitutional, illegal or otherwise invalid, that decision shall not affect the remaining provisions of the Ordinance or any other provision, section, article or chapter of the Code of the Borough of Lemoyne.

SECTION 6: This Ordinance shall become effective upon adoption. ENACTED AND ORDAINED this ____ day of _____, 2019.

ATTEST:

BOROUGH OF LEMOYNE

By: _____
Secretary

By: _____
President

By: _____
Mayor

Charles A. Hooker
230 Walnut St.
Lemoyne PA, 17043

May 14, 2019

By Hand

Borough of Lemoyne Planning Commission
510 Herman Ave
Lemoyne, PA 17043

Re: Proposed Zoning Text Changes

To whom it concerns,

The undersigned is a Lemoyne resident who is unable to attend tonight's planning commission meeting.

The undersigned writes regarding Consolidated Properties' request for an amendment to the borough zoning ordinance that would allow the operation of a 24-hour "convenience store" businesses within the downtown zoning district.

This undersigned opposes any such change.

Primarily, the operation of 24-hour convenience store businesses would have negative impacts on the overall character of our community and the quality of life of its residents.

A first concern is traffic.

At present, the borough is considering structural changes to the "bottleneck" portion of Market Street. Please consider with care how the placement of a business type having high throughput of customers and for quick turnaround stops would affect traffic along this corridor. The commission does need a traffic study to appreciate that high vehicle congestion would be increased. Along with increased traffic invariably comes the potential for increased chance of automobile accidents along with a negative impact on the walking nature and "downtown charm" of our community.

Also consider how Consolidated Properties' shunting of store output traffic to the residentially-designed, low-traffic capacity third street would affect the physical nature of the immediate neighborhood. Traffic that is already high in this area (including rush-hour illegal U-turns to avoid the traffic light at 3rd and Market) would be increased.

Another concern is how a 24-hour a day business would affect the character of our community.

Please also consider how the flow of store output traffic throughout a 24-hour time cycle would affect the quality of life for residents living in this area. To put it bluntly, residents do not want to contend with 24-hour-a-day traffic, light and noise associated with a convenience store as a regular part of their lives.

The Consolidated Properties' representative indicated that a 24-hour convenience store would improve resident's quality of life by providing a place for buying innocuous dairy products close to the community center. This narrative is very selective. It fails to state is that the majority of convenience store sales, per nationwide average, relate to the sale of gasoline, cigarette and tobacco products and beer.

This resident notes that doubtless in the Consolidated Properties' long-term plan for the property is to apply for a liquor license and/or to otherwise plan for the sale of takeout beer adjacent to a dine-in restaurant area.

This resident also brings the commission's attention to the following restriction applying to the downtown zoning district:

In the Downtown Zoning District, no structure occupied in whole or in part by a restaurant shall be located within 25 feet of any adjacent property in the Suburban Residential Zoning District.

I note that Consolidated Properties' indicates that its plans include the operation of a restaurant within the 24-hour convenience store, and that this subject property is located within 25 feet of adjacent the Suburban Residential Zoning District properties.

In view of Consolidated Properties' plans bringing a negative impact upon the community as well as requiring multiple revisions to Lemoyne's zoning code, I ask that its requests be denied.

In addition, I ask that the Commission to consider the following amendments to the borough zoning ordinance.

In § 550-17 (Permitted uses), please consider adding the following entry to Table 550-4-2:

Types of Uses	Village Mixed-Use (VMU)	Downtown (DT)	Office Residential (OR)	Section Reference for Specific Use Regulations
Providing Games of Chance	P	N	N	N/A

With the above entry consider adding the following definition to the code:

"Games of Chance" include activities whose outcome is influenced by randomizing devices and upon which contestants may choose to wager money, including but not limited to video gambling, table gaming, casino games, financially-driven "skill games," off track betting and the sale of lottery tickets.

In short, this resident is concerned that the present version of the borough zoning ordinance does not take into consideration recent changes to Pennsylvania's stance on gambling, and that the Borough be preemptive in this regard.

Additionally, in § 550-83 (Additional supplemental standards and requirements for specific principal commercial uses), please consider adding the following to this section:

F. (4) In the Downtown Zoning District, no structure occupied in whole or part by a convenience store shall be located adjacent property in the Suburban Residential Zoning District.

F. (5) In any District no structure occupied in whole or part by a convenience store shall be permitted to operate more than 16 consecutive hours over any given 24-hour period of time.

Thank you for your attention and consideration.

If questions remain, please let me know.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Charles A. Hooker", with a stylized, flowing script.

Charles A. Hooker