

A P P R O V E D

**SPRINGETTSBURY TOWNSHIP  
ZONING HEARING BOARD  
MAY 4, 2023**

**MEMBERS IN**

**ATTENDANCE:** Dale Achenbach, Chairman  
David Seiler, Vice Chairman  
Sande Cunningham, Secretary  
Mark Bair  
Chris Shuttlesworth (via Zoom)  
Brian Kauffman (Alternate)

**ALSO IN**

**ATTENDANCE:** Timothy Holmes, Zoning Officer  
Gavin Markey, Solicitor  
Randall Heilman, Director of Community Development  
Abby Gibb, Communications Manager  
Jill Trostle, Stenographer

**1. CALL TO ORDER**

**A. Pledge of Allegiance**

Chairman Achenbach called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance. He introduced the members of the Board and Springettsbury Township staff.

**2. ACTION ON THE MINUTES**

**A. MARCH 2, 2023**

**MS. CUNNINGHAM MOVED TO ACCEPT THE MINUTES OF MARCH 2, 2023, AS SUBMITTED, SECONDED BY MR. BAIR. MOTION UNANIMOUSLY CARRIED.**

**SWEARING-IN OF TOWNSHIP STAFF**

The following Township staff were sworn in: Tim Holmes, Zoning Officer, and Randall Heilman, Directory of Community Development. Mr. Holmes confirmed that all cases were properly advertised prior to the meeting.

**3. OLD BUSINESS**

**ZHB-2022-0021 RENEWAL, 5 Wyndham Drive, York, PA 17402**

Case ZHB-2022-0021 is a renewal of variances previously approved for Sections §325-120 and §325-116N for 5 Wyndham Drive, York, PA 17402, allowing a dumpster in the front yard of a corner lot and a parking area of 13 spaces without the requirement of a planting island. The present zoning for this property is neighborhood Commercial (N-C). Solicitor Markey suggested the Board increase the extension from six months to one year from today's date to allow sufficient time to process the applicant's land development plan.

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**MR. SEILER MOVED IN THE CASE ZHB-2022-0021 TO GRANT A RENEWAL EXTENSION OF ONE YEAR FROM TODAY'S DATE (MAY 4, 2023 to MAY 4, 2024) TO BE CONFIRMED IN WRITING BY THE TOWNSHIP ZONING OFFICER. MS. CUNNINGHAM SECONDED THE MOTION. MOTION UNANIMOUSLY CARRIED.**

**4. NEW BUSINESS**

**ZHB-2023-0004 - 171 Lynbrook Drive North, York, PA 17402**

Mr. Holmes reported an application was submitted by Andrew Risko, property owner of 171 Lynbrook Drive North, York, PA 17402, requesting a variance to allow the location of an accessory structure on the side of the property. Present zoning for this property is R-10, Medium Lot Single Family Residential, and requires accessory buildings to be located in the rear of the property and meet the required side setback of 15 feet. Mr. Holmes noted the accessory structure proposed is a detached garage which meets the side setback of 15 feet, but accessory structures are not permitted on the side per the zoning ordinance . If it were attached to the home, it would be permitted.

The following witness was sworn in: Andrew J. Risko II, property owner of 171 Lynbrook Drive North, York, PA 17402

Andrew J. Risko II

Mr. Risko was present to provide testimony to support his variance request. The following neighbors were in attendance to support his case: Dr. David Greisler, Roger Geiger and Randy Kirkpatrick. Mr. Risko is requesting a variance to the following zoning ordinance:

§325-134.B Accessory Use Development Requirements - A. Location.

An accessory building or structure must be located to the rear of the principal building or structure. The rear setback shall be 10 feet. All required side setbacks shall be maintained.

Mr. Risko's variance request is to allow a 20 x 24 x 11.4 detached garage to be located partially in the side yard. Mr. Risko noted that Mr. Holmes previously approved the water mitigation plan. Mr. Risko believes the proposed side location of the garage is the only practical location due to the pre-existing location of the principal structure built in 1963 and other characteristics of the property such as the driveway and topography of the land. The proposed location is at the end of his driveway, which is 70 feet from Lynbrook Drive North, 30 feet from his neighbor's property to the left (owned by Mr. Kirkpatrick), and 100 feet from the rear property line. Mr. Risko referenced the property photographs which were submitted with his variance application, noting the limitations proposed by the terrain and other physical objects such as the home, slope of the yard and the trees in the rear that are not part of his property. The purpose of the detached garage is to store and work on his vintage US Army 1952 M38A1 Korean War jeep. The property slopes downward from the back of the house and there are many oak and spruce trees lining the rear of the property which could cause damage to any structure placed in his backyard. On April 2, 2023 high winds blew through the neighborhood and a 50 foot standing tree broke off, which would have damaged an accessory structure located there, as well as anything inside of it. Mr. Risko feels a garage located to the rear would be unsightly and would require driving through the yard to access it. Mr. Risko has contacted neighbors located within 200 feet of his property and reported there were no concerns with aesthetics or public safety. In addition, Mr. Risko noted there are two other

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principal structures with accessory structures in the surrounding community that do not meet the current zoning ordinance.

The members of the Board presented questions to the applicant. Ms. Cunningham asked if the other properties with detached structures on the side are located within the same zoning district and Mr. Holmes confirmed they were. Ms. Cunningham shared her opinion that the fear of trees falling on a structure was not an adequate reason for requesting a variance to the ordinance.

Chairman Achenbach asked if there were members in the audience that wished to express opposition to the variance request, to which there were none. Solicitor Markey expressed the application submitted was well done and very comprehensive and he had no objection to approving the dimensional variance request. Chairman Achenbach entertained a motion on the request for variance to §325-134.B.

**IN THE CASE OF ZHB-2023-0004, MR. SEILER MOVED TO APPROVE THE DIMENSIONAL VARIANCE TO §325-134.B FOR 171 LYNBROOK DRIVE NORTH. MR. BAIR SECONDED THE MOTION. MOTION UNANIMOUSLY CARRIED.**

**ZHB-2023-0005 - 3430 Eastern Boulevard, York, PA 17402**

Mr. Holmes reported Mr. John Houseman submitted an application for variance on behalf of Eastside Assembly of God, 3430 Eastern Blvd., York, PA 17402, from Township Ordinance Sections 325-107.A to allow a sign to exceed the maximum square footage of 16 sq. ft. and height requirements of 6 feet. The property is zoned R-1, High Density Residential, which limits free-standing signs to a maximum of 16 sq. ft. and a maximum height of 6 feet. The proposed sign would be an illuminated free-standing sign of 40 sq. feet and 7 feet, 8 inches high.

John Houseman, representing Eastside Assembly of God

Mr. Houseman was sworn in. Mr. Houseman is requesting a larger sign at a different location than the current banner. The proposed sign is to be 49 feet from the curb due to a drainage trench. The proposed new sign will be increased in size for better exposure to vehicles driving by. The sign will be illuminated and the message will change remotely from time to time. Mr. Houseman is aware of the current zoning ordinance which limits changing of sign messages to a maximum of eight times per day and does not anticipate exceeding this limit. Mr. Kauffman shared that the Zoning Board previously approved a variance for a 32 sq. foot sign in a residential zoning district along Market Street.

Solicitor Markey asked Mr. Holmes if conditions would be placed on the applicant with respect to the sign regulations. Mr. Holmes confirmed that enforcement mechanisms are in place and reported there were enforcements on a number of signs earlier this week due to conditions imposed.

Chairman Achenbach provided an opportunity for members in the audience to provide comments. Each person was sworn in accordingly.

Jim Pomeroy, 4170 Abbey Lane, York PA

Mr. Pomeroy asked if the Township has restrictions on the number of lumens at night. Mr. Holmes confirmed that the brightness of signs can be regulated and enforced. Mr. Houseman responded there are no houses from Edgewood Road to Locust Grove Road that face Eastern Boulevard, but the back of the apartment building faces Eastern Boulevard. Chairman Achenbach asked if the Township could enforce

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turning signs off at night. Mr. Holmes responded that if the brightness is low enough, it does not present a traffic hazard or infringement on local residents.

Claude Baum, 3549 Heritage Drive, York, PA

Mr. Baum reported the back of his home faces the church. He asked if it is a one-sided sign that runs parallel to Eastern Boulevard or is it a two-sided side that is perpendicular to Eastern Boulevard. Mr. Houseman responded it is two-sided. Mr. Baum noted it would be an annoyance to have the sign lit up at night because it is visible from his bedroom located in the back of his home. Mr. Baum feels it would not be a hardship for the church to stay within the zoning ordinance requirements for signage. Mr. Houseman shared there are trees between the church and Mr. Baum's home; Mr. Baum noted there are no leaves on the trees for half the year and the church is plainly visible.

Theodore J. Smith, 3530 Heritage Drive, York PA

Mr. Smith's property is across the street from the church which is clearly visible in the winter through the trees from his bedroom window which faces the sign. Mr. Smith asked if this would set a precedent allowing other lighted signs to be permitted on the Boulevard. Mr. Achenbach responded each case stands alone according to the zoning laws. Solicitor Markey confirmed it would not create a precedent. Mr. Shuttlesworth commented that it is the brightness of the sign, not necessarily the size of the sign, to which the neighbors are opposed. Mr. Shuttlesworth asked if it would be possible to decrease the brightness of the sign or turn the sign off at night.

Solicitor Markey suggested that approval of the variance include conditions that the sign be turned off from dusk to dawn with enforcement. Mr. Holmes also suggested additional shrubbery around the sign to reduce glare. Mr. Houseman did not know if the lumens could be reduced at night, but asked if the sign could be turned off at a certain hour at night rather than at dusk, and turned on in the morning. Ms. Cunningham reminded everyone present that lighted signs are a permitted use in this zoning district. Solicitor Markey asked Mr. Houseman if he would be willing to continue the case until next month and invite an expert to demonstrate the sign's operation and ability to reduce brightness. Mr. Houseman responded the church would be willing to reduce brightness or turn the sign off during the night, rather than postpone a decision.

Mr. Heilman reminded the Board that the increased size of the sign is the main reason for the variance request. Ms. Cunningham noted that the dimensional variance previously approved by the Zoning Board was for a church located in the R-7 zoning district and was a different situation. Mr. Achenbach entertained a motion by the Zoning Board.

**IN THE CASE ZHB-2023-0005 MR. BAIR MOVED THE DIMENSIONAL VARIANCE BE GRANTED WITH THE PROVISION THAT THE SIGN ILLUMINATION BE REDUCED BY 75% BETWEEN 9:00 PM AND 6:00 AM.**

Marta Peck, 90 Jamison Drive York, PA

Ms. Peck was sworn in. Ms. Peck asked if the 6:00 AM time could be changed due to the darkness of the 6:00 AM hour in the winter time. Mr. Bair agreed to amend his motion to reflect 7:00 AM.

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**AMENDED MOTION: IN THE CASE ZHB-2023-0005 MR. BAIR MOVED THE DIMENSIONAL VARIANCE BE GRANTED WITH THE PROVISION THAT THE SIGN ILLUMINATION BE REDUCED BY 75% BETWEEN 9:00 PM AND 7:00 AM.**

**MR. ACHENBACH SECONDED THE MOTION. A VOICE VOTE RECORDED THREE AYES AND TWO NAYS. THE MOTION CARRIED.**

**RECESS:** A five minute recess was taken at 6:56 PM. The meeting reconvened at 7:01 PM.

**ZHB-2023-0006, Mt. Zion Commons LLC**

Mr. Holmes provided an overview of the case submitted by Mt. Zion Commons LLC on behalf of 11 properties: 3311 E. Market Street, 3319 E. Market Street, 3321 E. Market Street, 9 Mt. Zion Road, 15 Mt. Zion Road, 19 Mt. Zion Road, 27 Mt. Zion Road, 35 Mt. Zion Road, and 51 Mt. Zion Road, York, PA 17402. The applicant is requesting a variance to §325-114 Parking facilities required by land use in order to reduce the minimum required parking spaces in a proposed mixed use development located in the Town Center Overlay and Mixed Use zoning district. The project includes two 70-unit apartment buildings, convenience store, fast food restaurant and a building for retail space. This project is subject to the conditional use process, requires recommendation from the Planning Commission and approval from the Board of Supervisors. The applicant is requesting a two-part variance: a variance for the 110 required spaces for the drive-through restaurant to be reduced to 56 spaces, and a variance to reduce parking spaces for the apartment buildings from 280 to 214 spaces.

Solicitor Markey provided clarification for the visitors attending this evening that the Zoning Board is not evaluating the uses proposed, but is only evaluating the request to reduce parking for two locations: the apartment buildings and the drive through restaurants. There will be a formal hearing before the Planning Commission and the Board of Supervisors where evidence and testimony can be introduced in regard to the use types which may include traffic impact studies on surrounding properties. Mr. Markey noted anyone with concerns would have full opportunity to express their views.

The following witnesses were sworn in:

Stacey R. MacNeal, Esq., Attorney with Barley Snyder Attorneys at Law  
John McKenna, Director of Development, Madison Development Group Inc.  
Eric Mountz, P.E., Traffic Engineer, Traffic Planning and Design Inc.  
Chris Riggle, Civil Engineer, Colliers Engineering and Design

Stacey R. MacNeal, Esq., Barley Snyder

Ms. MacNeal conducted testimony for three witnesses on behalf of the project. A packet with three exhibits was prepared and presented to the Board. Mr. McKenna provided additional digital materials for imagery and reference. Ms. MacNeal stated the original variance request was modified slightly to reduce the required parking from 499 to 496. The variance request is to reduce total parking for this project from 496 to 407. Ms. MacNeal reserved her right to question potential party opponents as to their standing and to potentially object to standing of party opponents this evening.

Chris Riggle, P.E., Colliers Engineering and Design

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Mr. Riggle received his bachelor's degree in Civil Engineering from the University of Pittsburgh and has practiced for 20 years with a focus on commercial land development, restaurant land development, and shopping center development. He has worked with big box retailers such as Costco, Chick Fil-A, Wendy's and Panera Bread. Mr. Riggle is the Civil Engineer for the Mt. Zions Commons land development project located on the northeast corner of Mt. Zion Road and East Market Street encompassing 12 parcels on 10 acres within the Town Center Overlay and Mixed Use zone, which permits multi-family dwellings. Mr. Riggle's testimony included the following highlights:

- The current ordinance allows for restaurants with or without drive-throughs, retail, and convenience stores with fueling stations.
- The proposed project meets all area requirements of the ordinance and impervious coverage limitations.
- The Columbia Gas district station and a half acre parcel to the east were recently added to the parcel.
- As a result of input from the Planning Commission, exhibit 1 was modified. A small loading area was added to Unit 5; all ADA parking stalls were added to the plan to meet the ADA requirements for the entire center; the loading area of the convenience store was flipped from the east to the west side; and a second lane was added to the drive-through.
- In response to a question by Mr. Holmes, the parking calculation for unit 3 was based on a mixed use of both the standalone restaurant with drive through as the portion of the 12,000 sq. ft. building that is restaurant with drive-through and 15 spaces per 1,000 sq. ft., as well as the restaurant without drive-through which is 10 spaces per 1,000 sq. ft., and the small retail component which is 4.5 spaces per 1,000 sq. ft.
- Unit 1 is a convenience store, Unit 2 is a drive-through restaurant, Unit 3 is a multi-tenant building, Unit 4 and 5 are apartment buildings with 70 apartments each. All units will be approved as one land development plan.
- A traffic study has been prepared for the land development plan.
- A total of 407 parking stalls are proposed. In accordance with the ordinance, 496 stalls are required. The 407 spaces proposed represents 82% of the total required for the development. If the parking variance is not granted,  $\frac{3}{4}$  of an acre in additional land would be required to provide the 496 parking spaces.
- Most commercial and restaurant establishments require 5 parking spaces per 1,000 sq. ft.
- In recent years, the demand for sit-down indoor dining vs. drive-through services has decreased to 40% indoor dining to 60% drive-through service.
- The restaurant proposed is a fast casual restaurant similar to Panera Bread or Chipotle which requires 5-7 stalls per 1,000 sq. ft.
- There are 115 parking spaces for units 2 and 3, which is 7 per 1,000 sq. ft.
- The convenience store has 78 parking spaces which is more than adequate for use and includes excess parking.
- Mr. Riggle believes there is adequate total parking on site for the proposed land development plan.
- Mr. Riggle described shared parking for the Board, which means it is a walkable development and patrons may park anywhere on the site regardless of the establishment they are visiting.

Ms. MacNeal stated that zoning relief is required before the land development plan can move forward. It is anticipated the land development process will take at least one year. Specific tenants for the commercial and restaurant establishments are not finalized. Ms. MacNeal noted that Mr. McKenna and the experts testifying this evening are confident in their projected outcomes.

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### Eric Mountz, Traffic Planning and Design Inc. (TPD)

Mr. Mountz is a regional leader in the Engineering Department with over 20 years of experience; he is a registered professional engineer in PA; and he is certified through the Institute of Transportation Engineers as a professional traffic operations engineer. Mr. Mountz has worked on similar development projects to Mt. Zion Commons.

Mr. Mountz authored a letter from TPD dated May 3, 2023 which was presented as exhibit 2, referencing the ITE, the Institute of Transportation Engineers, an international agency encompassing transportation users worldwide that include educators, governmental agencies that are contributing to the data that ITE holds as the gatekeeper. Based on trip generation for developments, vehicular traffic generated, estimated traffic for new developments, and parking requirements, data is generated and vetted as accurate, and is issued through ITE publications—a trip generation manual and a parking manual.

Mr. Mountz' testimony included the following highlights:

- The ITE parking manual defines multiple land use codes using 121 unique designations within overarching classifications of retail, commercial, office, service uses such as banks and restaurants. The ITE is used regularly by municipal and governmental agencies, as well as PennDOT.
- The parking manual is used to determine peak parking required and total average peak parking demand.
- Mr. Mountz explained each table within his parking analysis. Table 1 presents all uses and total peak parking demand for each use for a total of 377. Table 2 reflects peak total parking for each use on Saturday as 329. Tables 1 and 2 assume peak parking occurs simultaneously. Table 3 shows the time of day for peak parking for each use separately. During the weekdays, the peak parking demand occurs from 12 noon to 1 pm Monday-Friday with a total demand of 239 spaces when considering shared parking. When the convenience store peak parking is added, the total peak parking is 285. Table 5 reflects Saturday's demand. Table 6 shows the anticipated peak hour of the day is 12 noon to 1 pm for a total of 234 spaces, plus the additional convenience store peak parking for a combined total of 263 spaces.
- TPD serves other municipalities including York Township. York Township allows for a reduction of 25% of the total required parking in shared parking areas. Manchester Township allows 20% reduction of total required parking in mixed use developments. East Hempfield Township in Lancaster County revised their zoning ordinances to base their calculations on an analysis similar to the parking analysis used for Mt. Zion Commons because mixed use developments are overparked.
- It is Mr. Mountz' professional opinion that the proposed parking for Mt. Zion Commons is sufficient.
- Trends for multi-family developments are 1.31 spaces per unit which is in line with the ITE data utilized for this project.

### Questions from the Board

Ms. Cunningham asked why the proposed parking for the gasoline service station is 78 when the required spaces are 47, to which Mr. Mountz responded the proposed count of 78 includes additional spaces to account for the shared parking for the other uses on site. Ms. Cunningham commented that the apartment dwellers will not want to park at the gas station and walk to their apartments. Mr. Mountz stated the apartment dwellers will most likely walk to the convenience store, retail outlets and restaurants, which also reduces the amount of parking required at each location. Ms. Cunningham stated the land

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development plan could be laid out better to provide more parking for the apartments. Mr. Mountz responded that the two bedroom apartments are generally not occupied by families, but by young professionals that do not want the maintenance that goes along with buying property, and many times one of them is working remotely, so they share one car and the second bedroom is a dedicated office. Ms. Cunningham suggested that each apartment be assigned or guaranteed at least one dedicated parking space near their apartment. Ms. MacNeal responded that it is important to the developer to plan for adequate parking in order for the complex to be successful for both the residents and the potential customers of the retail and commercial locations. It was also suggested that if the apartment buildings were changed from four stories to three stories, there would be no parking deficit.

Mr. Kauffman expressed the same concerns for resident parking. He also noted the plan has no landscape islands with a shade tree for every 12 parking spaces, which would reduce the number of parking. Ms. MacNeal responded that a modification of that requirement has been requested through their Town Center Overlay conditional use process which will be presented to the Board of Services.

Mr. Bair asked if the proposed parking for residential dwellers accounts for the demographics of the potential renters, such as senior citizens who may not want or be able to walk distances to their apartments or the commercial locations. Mr. Mountz stated the ITE data is based on actual facility counts and the vast majority of the potential tenants are retirees and young professionals. Mr. Bair expressed concern that 2019 trip data is being used by ITE. Mr. Mountz responded that ITE manuals are updated periodically. Every year, ITE solicits data and the data is compiled by ITE. The manuals are updated every four to five years when ITE believes they have collected sufficient data to justify revising the manuals. By regulation, transportation planners must follow the guidelines provided by ITE. Based on the ITE data, the site does have enough parking to accommodate each category's peak parking even if each peak occurred at the same time. If each category's peak demand occurred at the same time, the required parking for the apartment buildings would be 184. An additional thirty spaces have been added to this number for a total of 214 spaces. Mr. Mountz is confident that the proposed 1.5 per apartment unit is plenty of parking to accommodate the apartment residents.

Mr. Kaufman asked if the ITE data accounts for the number of bedrooms in each unit. Mr. Mountz responded that ITE does have data based on total number of bedrooms and past experience indicates that the recommended parking is traditionally lower than basing the total parking on the total number of apartment units.

Audience member Jim Pomeroy requested to comment. Ms. MacNeal asked Mr. Pomeroy questions related to his standing in the case. Mr. Pomeroy stated he resides on the south side of Market Street east of the intersection approximately 2.25 miles from the proposed project site, drives by Mt. Zion Road and Rt. 462. Ms. MacNeal asked Mr. Pomeroy how he is impacted in ways that others are not impacted. He responded he has neighbors who may move into the development, including himself, and is concerned about the future. Ms. MacNeal expressed objection to Mr. Pomeroy's standing and testimony in this case. Solicitor Markey asked Ms. MacNeal to explain to the Board the concept of standing and her concern about various witnesses that might appear. Ms. MacNeal stated, for opponents to be parties to the proceeding, meaning they would have a potential legal right of appeal or litigation, they have to have legal standing or be located in such a way that they have impacts specific to them that are not general impacts to the rest of the community. Based on Mr. Pomeroy's response, Ms. MacNeal stated he did not have specific legal standing and may not offer testimony or cross examination. Mr. Pomeroy was informed he may express his comments during the public comment period.

John McKenna, Director of Development, Madison Development Group



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Mr. McKenna shared he has 32 years experience in leasing, managing and developing commercial real estate, primarily mixed use projects similar to the Mt. Zion Commons project, as well as neighborhood and community shopping centers, quick service restaurants, and projects with multi-family components. The following highlights were noted from his testimony:

- The Mt. Zion Commons is just over ten acres and consists of 12 parcels as one lot with five units/condominiums. There will be a declaration of condominium in place which will provide bylaws, rules and some restrictions.
- Physical improvements necessary for the site development include transportation improvements on Mt. Zion Road and East Market Street for better mobility and access. East Market Street will be slightly widened, and there is an agreement for a deceleration lane for safe ingress and egress on to East Market Street. On Mt. Zion Road, 14 feet of additional right of way will be added to fix the geometry in the road. There will also be a dedicated left hand turn lane.
- The Columbia Gas pressure main will be relocated to the right of the right of way. There is an additional small Columbia Gas district building, 12 x 20 ft., that will be relocated north along Mt. Zion Road to provide a more attractive intersection, as well as improved circulation and overall utilization of the property. Relocation and redesign of these areas is estimated to cost \$1M.
- The development plan includes a plaza area with 6,000 sq. ft. of public space containing decorative pavers, benches and lighting, streetscape and wide sidewalks along East Market Street and Mt. Zion Road.
- The proposed building elevations and materials, and the horizontal and vertical articulations will be more attractive and appealing due to its location in the Town Center Overlay.
- The project will be walkable to different businesses and restaurants, will include bike racks, and interconnectivity to neighboring residents and apartments.
- The site could also provide a Rabbit Transit connection.
- Parking for commercial uses generally requires 4.5 to 5 spaces per 1,000 sq. ft. of space. Mt. Zion Commons is providing 7 spaces per 1,000 sq. ft.
- The distance from Unit 5 to Mt. Zion Road is 250 feet or less.
- Local analysis of other developments in the area indicates that 1.5 spaces per unit is not only a trend, but is being employed successfully.
- Mr. McKenna is working with Inch & Co. on this land development plan. Exhibit 3 is a letter from Inch & Co. regarding their plan for regulating demands for parking based on ITE's data.
- Mr. McKenna has conducted his own investigation of other similar developments through phone calls to other developers, visiting other development sites, talking with the residents and observing parking in overflow areas, which has provided credence to the Mt. Zion Commons proposal.
- A declaration of condominium would designate spaces for handicapped tenants of a certain age.
- Planning on the project that began 13-14 months ago has been thorough and well thought out to ensure success of the project. Considerable time has been spent on parking, circulation and access.
- Mr. McKenna believes the requested variance to reduce the parking from 496 to 407 is the minimum variance needed for the proposed development. He does not believe there will be an adverse impact on the project tenants or the neighboring community.
- No hardship has been created by Mr. McKenna.

The concept of declaration of condominium was explained and discussed. The declaration of condominium will apply to each and every unit in the development, provides restrictions, and instructions on how shared facilities will operate and share costs.

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Solicitor Markey asked Ms. MacNeal if she would be willing to continue the case until next month in consideration of the opposition testimony and to allow the members of the board to digest the information presented this evening.

A brief recess was taken for Ms. MacNeal to consult with her client about continuing the case until next month. After consultation, Ms. MacNeal stated her client would be willing to continue the hearing until the next meeting, and requested an opportunity at the beginning of the next meeting to potentially present additional testimony from the applicant, including proposed conditions.

**IN THE CASE ZHB-2023-0006, MR. SEILER MADE A MOTION TO CONTINUE THIS HEARING UNTIL THE NEXT ZONING HEARING BOARD MEETING ON JUNE 1, SECONDED BY MS. CUNNINGHAM. ALL BOARD MEMBERS VOTED IN FAVOR AND THE MOTION CARRIED.**

Solicitor Markey instructed the Board not to discuss the proceedings among themselves during the continuance and absence of a hearing.

Mr. Kauffman asked if Mr. Mountz could provide ITE data on one and two bedroom apartments at the next meeting.

Solicitor Markey announced to the members of the audience that the hearing would be continued until the next meeting of the Zoning Hearing Board on June 1. At that time all members of the audience will have a full opportunity to express concerns or support of the project.

**5. ADJOURNMENT**

Mr. Achenbach entertained a motion to adjourn.

**MR. SEILER MOVED TO ADJOURN THE MEETING, SECONDED BY MR. BAIR. THE MEETING ADJOURNED AT 8:47 PM.**

Respectfully submitted,

Secretary  
/jht