

**SPRINGETTSBURY TOWNSHIP
CONDITIONAL USE HEARING**

**MAY 12, 2022
APPROVED**

The Springettsbury Township Board of Supervisors held a Conditional Use Hearing on Thursday, May 12, 2022 at 6:30 p.m. at the offices of York Area Fire and Rescue located at 50 Commons Drive, York, PA in person and by Zoom technology.

MEMBERS IN

ATTENDANCE: Mark Swomley, Chairman
George Dvoryak, Vice Chairman
Charles Wurster, Assistant Secretary/Treasurer
Don Bishop (via Zoom)
Robert Cox

ALSO IN

ATTENDANCE: Mark Hodgkinson, Township Manager
Charles Rausch, Solicitor
Shane Rohrbaugh, Solicitor
John Luciani, Civil Engineer
Randall Heilman, Director of Community Development
Dori Bowders, Director of Administrative Operations
Teresa Hummel, Director of Finance
Abby Gibb, Communications Manager
Sue Sipe, Stenographer

1. CALL TO ORDER

Chairman Swomley called the hearing to order and turned the meeting over to Solicitor Rausch.

2. NEW BUSINESS

- A. CU-2022-0003 – Five Guys Burgers and Fries, 1125 Haines Road
Mr. William Latta, GPD Group
All witnesses were sworn in by Solicitor Rohrbaugh.

Mr. Latta stated the application is to allow a restaurant use in the Town Center Overlay for the redevelopment of the existing Five Guys on Haines Road. The project proposes to remove the existing building and replace with a new Five Guys Restaurant in accordance with current codes and brand standards. The surrounding site will be improved but will remain the same general configuration. He noted they are requesting several waivers which they determine are appropriate due to the redevelopment nature of the project. Regarding comments in the Staff report, they agree and will address them. Mr. Latta indicated they understand they will need to submit further plans and application as part of the land development process.

Mr. Latta referred to the Staff report which applies to a waiver request for §289-15 – Environmental Impact Studies which was approved by the Planning Commission noted as Article 4 – Environmental Impact Studies.

Mr. Latta confirmed there is no drive-through intended for this project.

Discussion was held regarding the plan for parking spaces. It was noted on the existing layout 32 parking spaces were proposed and the revised layout shows 22 spaces. There were parking spaces on the southern side which are on the diagonal not showing on the revised plan. Mr. Latta stated the issue with the spaces on the diagonal is there is a problem complying with parking spaces in front of the building, so it was changed to perpendicular to get the spaces behind the building frontage. It was noted the required parking requirement is based on the square footage of the building which is 2800 sq. ft.

The following items were discussed:

- There are new sidewalks at this location due to the PennDOT project.
- The impervious surface area was reduced because of the reduced parking spaces.
- The reason for the conditional use is because the building is not a permitted use by right.

Discussion was held regarding the requested waivers: It was noted it was not required for the Board to act on the waivers during the regular meeting following the CU hearing.

- §289-10 Preliminary Plans
- §289-11 Preliminary Plan; Specifications
- §289-12A(2)(f) Final Plans; Procedures – Traffic Impact Study
- §289-12A(5) Final Plans; Specifications – Provide plans to PennDOT, York County Conservation District and all affected utilities
- §289-13B Miscellaneous Engineering Specifications
- §289-15 Environmental Impact Studies
- Article 25-325-114 Parking Facilities required by land use
- §325-207.C1L - Town Center Overlay Traffic Evaluation Study

Chairman Swomley stated the requested waivers are in order since the site is well defined by the improvements made by PennDOT and the boundaries of the property and there is no more that can be done.

Solicitor Rausch commented about parking, the Board of Supervisors does not have jurisdiction over the zoning ordinance except for the Town Center Overlay regulations. He questioned if the 22 parking spaces are in conformance with the requirements of the zoning ordinance.

Mr. Luciani stated the requirement states 10 spaces per 1000 sq. ft. without a drive through based on the 2800 sq. ft. – 28 spaces are required. He pointed out due to the Town Center Overlay the Board of Supervisors is sanctioned to determine the zoning ordinance requirements.

Mr. Heilman confirmed it was his understanding for conditional use that the Board has the latitude to make decisions on SALDO and zoning requirements.

Discussion was held for options on how the applicant could fulfil the requirement for the 28 parking spaces:

- Waive the requirement for parking to be behind the building frontage resulting in possibly 3-4 more spaces.
- Eliminate the public plaza area required by the Town Center Overlay and retain the angled parking to add the 6 spaces.

3. PUBLIC COMMENT

Dakota Fauver – 2450 Crystal Lane

Mr. Fauver referred to the parking space issue noting it may be difficult to invite people to get out of their vehicles if they must walk across a big parking lot and he was in favor of allowing the ability to reduce the parking spaces if they feel they do not need as many.

4. ADJOURNMENT

Chairman Swomley adjourned the hearing at 7:00 p.m.

Respectfully submitted,

Doreen K. Bowders
Secretary

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