

**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 6:00 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-2022-0002 – Panda Express Chinese Kitchen, 2510 East Market Street
Mr. Vu Le and Mr. Michael Twitchel
All witnesses were sworn in by Solicitor Rohrbaugh.

Solicitor Rausch stated this is a conditional use hearing under the Town Center Overlay and explained the procedure for the case presentation. The applicant will come forward to present their case and witnesses will be sworn in. The Board will have the opportunity to ask questions and then it will be opened to the floor for public comment.

Mr. Twitchel stated currently this is the site of the Fat Daddy's nightclub located on the rear portion of the site. The new proposed building is a 2600 sq. ft. fast casual drive-through restaurant. He noted the drive-through is the conditional use requested along with three waivers. The building will allow for 13 vehicles stacking. Estimated for 500 customers per day accommodating 48 interior seating along with exterior provided for the pedestrian plaza. The project will be done in two phases.

Waivers:

- §325-199E: Main building setback along Eastern Blvd. to allow the proposed future second building which is a 7000 sq. ft. office/medical use inside the 50' maximum front yard setback due to the flag shape of the lot.
- §325-200G.(3): Glazing along the eastern side of the proposed Panda Express building which is the location of the cook line and storage freezer prohibiting glazing on that section of the building. Additionally, there are two existing large trees and the adjacent neighbor's pylon sign blocking that side of the building, which prohibit viewing the building approaching from the east on Market Street.
- §325-206A.(1)(a-c): Perimeter landscaping along the narrow back drive which is only 30 ft. between the property line and currently there is a 24 ft. drive aisle which is two-directional along with a 5 ft. pedestrian sidewalk. There is no space to place any type of landscape buffer which is 3 ft. minimum.

Mr. Twitchel indicated the pedestrian activity in front of the Panda Express has been connected through the site with sidewalk all the way from East Market through to Eastern Blvd. connecting both buildings with a viable pedestrian walkway. There will also be a plaza to the west for the bottom side of the Panda Express which will be a covered patio with lighting along with landscaping and seating to include benches and trash holders as necessary.

Mr. Cox asked about how a delivery truck would have enough room on the site to unload. Mr. Twitchel indicated deliveries to the Panda Express would occur outside of operating hours which are 10:30 AM to 9:00 PM. Deliveries are typically made in the early morning hours. He indicated deliveries to the medical/office building are unknown at this time.

Mr. Wurster asked about the glazing hardship as to whether there was any design solution. Mr. Twitchel stated aside from completely redesigning the building, which is the prototypical layout, there potentially will be room to do it, however, given the size of the cook line it would have to be done on one of the long sides of the building where the drive through is located currently or on the south side where the patio is proposed. Since the cook line, walk in freezers and coolers would also need to be in that area that would also prohibit glazing since it would be a fire hazard. Mr. Twitchel stated in other localities they have done faux windows to emulate glazing as well as frosted glass. He noted most jurisdictions do not like the faux windows.

Mr. Le pointed out they can emulate the windows to give the appearance from the outside, but they will not be transparent and allow visibility into the restaurant.

Mr. Wurster referred to the building setbacks relating to the medical office building. Mr. Twitchel stated setbacks are marked from the back of the curb so the setbacks for Eastern Blvd. to the southern entrance is from the back of the curb. The minimum and maximum would put it directly in the middle of the drive. From Eastern Blvd. their frontage is approximately 30 ft. wide and therefore it would not be possible to place a building along that strip from the property line to meet setbacks.

Following a lengthy discussion regarding the setbacks and the landscaping in that area, it was determined by the Board the buffer and setbacks are adequate as presented by the applicant.

Solicitor Rohrbaugh asked if there were any questions from the Board related to the drive-through as the applicant did address stacking and testified as to some adjustments made at the exit regarding the turn onto Market Street departing the restaurant.

Mr. Heilman concurred with Solicitor Rohrbaugh's summation.

3. PUBLIC COMMENT

There was none.

4. ADJOURNMENT

Chairman Swomley adjourned the hearing at 6:30 p.m.

Respectfully submitted,

Doreen K. Bowers
Secretary

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