

**SPRINGETTSBURY TOWNSHIP
CONDITIONAL USE HEARING**

**MAY 27, 2021
APPROVED**

The Springettsbury Township Board of Supervisors held a Conditional Use Hearing on Thursday, May 27, 2021 at 5:30 p.m. at the offices of Springettsbury Township located at 1501 Mt. Zion Road, York, PA by Zoom technology.

MEMBERS IN

ATTENDANCE: George Dvoryak, Vice Chairman
Charles Wurster, Assistant Secretary/Treasurer
Don Bishop
Robert Cox

MEMBERS NOT IN

ATTENDANCE: Mark Swomley, Chairman

ALSO IN

ATTENDANCE: Mark Hodgkinson, Township Manager
Charles Rausch, Solicitor
John Luciani, Civil Engineer
Adam Anderson, Site Design Concepts
David Jones, Stock & Leader
Thomas Mallios
Ed Baksh
Dori Bowders, Director of Administrative Operations
Randall Heilman, Director of Community Development
Court Stenographer, Filius and McLucas
Jean Abreght, Stenographer

1. CALL TO ORDER

DVORYAK Vice Chairman George Dvoryak called the Conditional Use Hearing to order. He asked Solicitor Charles Rausch to begin the Hearing.

2. NEW BUSINESS

A. CU-2021-0002 – Conditional Use Application Allowing Reconstructed and Reutilized Drive-Thru Window for Popeye’s Fast-Food Restaurant – 2818 East Market Street

RAUSCH Solicitor Rausch stated that the meeting is a Conditional Use Hearing under the Town Center Overlay for Popeye’s Restaurant. The representatives for the project were Adam Anderson and Dave Jones. Solicitor Rausch provided the Oath to all associated parties.

LUCIANI Mr. Luciani provided an overview of the project, which involved a former Fiesta Mexico Restaurant on Market Street. He stated that prior to being Fiesta Mexico it

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was built initially in 1990 for a Hardees Restaurant, which had a drive-through. Following that it became Fiesta Mexico with no drive-through. Currently Popeye's has an interest in redeveloping it as a Popeye's Chicken Restaurant with a drive-through. It is mandated the project come before the board because the Town Center requirements typically do not allow drive-throughs. The board had reviewed each one separately in the past. Mr. Luciani indicated that this is considered a redevelopment with a few minor waivers. Mr. Luciani indicated their intent is to modify very little of the site, mostly interior renovations. He introduced Attorney Dave Jones and Adam Anderson from Site Design Concept to provide more background.

JONES Dave Jones, Stock & Leader thanked Mr. Luciani for presenting the background and history for the project site. They requested a Conditional Use to re-establish a restaurant with a drive-through window. Under the Town Center Overlay they are required to request a Conditional Use with the drive-through window. He noted that there are several drive-through windows on the same block on both sides of the street including Chick-Fil-A, Arby's, and Wendy's. He asked Adam Anderson to speak about the plan. Attorney Jones asked Mr. Anderson to identify himself for the board and provide a brief update and background of the plan itself.

ANDERSON Adam Anderson, P.E. with Site Designs Concepts represented the plans and the application. He presented the site plan for the Conditional Use request. He showed several aerial photographs to provide some content and references to the plan. They included photos of Chick-Fil-A, Walmart, Advanced Auto Parts, Arby's drive-through, Wendy's with a drive-through. He noted there is an access drive on the back of the site to Eastern Boulevard and he showed a closer aerial view showing the existing Fiesta Mexico building with two access drives on to eastbound East Market Street along with the connection to Eastern Boulevard. The address is 2818 East Market Street within the Town Center Overlay. He noted some specifics with regards to the plan, which are summarized:

- Property is 1-1/4 acres; existing building 3,500 sf.
- Site layout plan with addition installed by Fiesta Mexico to be removed and re-established as a double lane drive-thru with an additional by-pass lane.
- Dumpsters to be in an enclosure.
- Parking meets zoning requirements.
- Bench as part of Town Center Overlay connection to pedestrian walkways and a connection to the front main entrance.
- Grading stormwater plan; increasing impervious area on the site and will have a small seepage pit in the back. Installation of a sampling manhole per township request.
- Post lights and one streetlight installed to meet Town Center Overlay requirements.
- Landscaping plan along East Market Street frontage.

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- Correct number of plantings to be pushed to rear of the site where there is an area to install them. Overhead and underground utilities along with clear site triangles prevent placing them in the front.
- Site lighting plan submitted with the application.
- Enclosure meets requirement and coincides with the façade of the building.

Mr. Anderson itemized four modifications as part of the application.

- Section 325-37A22 – Land uses; in this case it is a restaurant with drive-through to be permitted in the Town Center Overlay.
- Section 325-205C1 – Requires one deciduous tree per 50 feet of street frontage; correct number of trees shown on the plans. Request that they not be installed in the frontage due to the conflicts and moved to the rear of the site.
- 325-206B – Requires maximum curb cuts of 24 feet; their survey indicated that the existing access drive onto East Market Street is roughly 28 feet wide rather than the maximum of 24 feet per the Zoning Ordinance. Request is that the existing 28-foot access drives remain.
- 325-207E1 - Requires a traffic evaluation study. In lieu of that a traffic assessment summary letter was submitted showing that the traffic generated by this use is comparable to the Fiesta Mexico and the previous Hardee's. This project will not have a significant impact to the existing roadway network.

BISHOP Mr. Bishop asked for clarification on the first waiver.

JONES Attorney Jones responded that the requirement in the ordinance is that there cannot be a drive-through for a restaurant in the Mixed-Use District of the Town Center Overlay. The modification that is requested is to allow the drive-through window.

LUCIANI Mr. Luciani added that in the Town Center Comprehensive Plan it was suggested that the drive-through facilities not be completely prohibited. The board did not want to discourage drive-throughs. When the board adopted the Town Center, the drive-through had to be a modification to allow that window.

WURSTER Mr. Wurster noted the comments referencing the existing drive-throughs for Wendy's, Arby's, and Chick-Fil-A. He questioned whether they all were precedent drive-throughs that were there before the Town Center Overlay or whether they were all waivers after the Town Center Overlay came to be.

LUCIANI Mr. Luciani responded that Chick-Fil-A replaced the Blockbuster video and was within the Town Center Overlay. Taco Bell has a drive-through; it pre-existed. The property was demolished, scraped, and rebuilt, but that was one of the recent drive-throughs. An additional drive-through was with First Capital Federal Credit Union.

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WURSTER Mr. Wurster commented that this is a redevelopment use. He asked whether the increase in impervious is being driven by the addition of the sidewalk or something else.

ANDERSON Mr. Anderson responded that there are several things, i.e., adding three parking spaces to meet general requirements, a dual lane, and a bypass lane to accommodate the volume through the drive-through, which is now standard with drive-through restaurant.

WURSTER Mr. Wurster observed that it is not existing impervious, it is additional.

LUCIANI Mr. Luciani reported that The Planning Commission did review this plan and did not have any issues with the waiver requests. He added, for the record, the notice to the property owners within 200 feet was sent out to adjoining. It was posted in a newspaper of general circulation, the Dispatch/Daily Record, and the sign had to be posted on the site. The Township Building Code Official, Mr. Markey handled that task.

COX Mr. Cox provided his input, which is that Popeye's will be an excellent use for the property, and he indicated it would be appropriate that they be granted a drive-through.

DVORYAK Mr. Dvoryak noted that the item is on the Regular Meeting Agenda which begins at 7 p.m. this date, and the board could make a decision regarding the particular hearing. He asked if there were any further comments from the board. There were none.

3. PUBLIC COMMENT

There were no Public Comments.

4. ADJOURNMENT

DVORYAK Vice Chairman Dvoryak thanked everyone for their attendance. He adjourned the Public Hearing on the Conditional Use at 5:43 p.m.

Respectfully submitted,

Doreen K. Bowders
Secretary

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