

**November 17, 2014**  
**Planning Commission Minutes**  
**Borough of Gettysburg**

Chair Wayne Mayers called to order the Monday, November 17, 2014 meeting of the Gettysburg Borough Planning Commission at 7:00 PM at the Borough Building, 59 East High Street. Those in attendance were: Commission Members Dominic Picarelli, Rad Schultz and Sarah Kipp; Planning Director Scott Dellett; Borough Manager Charles Gable; Borough Management Assistant Karen Mesher and Borough Engineer Chad Clabaugh. Bob Sharrah of Sharrah Design Group, Inc. (SDGI) represented Future Stake, Inc., 259 Steinwehr Avenue; Gary Shaffer of Shaffer Design Associates PC, Wade Leedy, Drew Leedy, and William Leedy all representing Tommy's Pizza, 105 Steinwehr Avenue. Gary Casteel of Casteel Structure, 45 East Stevens Street.

**Agenda and Minutes**

The meeting agenda was accepted as published. Ms. Kipp moved to approve the October 20, 2014 minutes as presented. Mr. Schultz seconded, and the motion was approved 3-to-0 with one abstention.

**Public Comment for Items Not on the Agenda**

There were no comments for items not on the meeting agenda.

**Final Plan Submission**

**SLD-14-03 Future Stake, Inc., 259 Steinwehr Avenue, preliminary and final land development plan application to construct an 8,311-square-foot-restaurant on a part of an existing 3.35-acre parcel. The property is located in the TC Tourist Commercial, Historic and Streetscape Enhancement Overlay Districts.**

The applicant requests the following approvals:

- A. Waiver/Modification of Section 22-1103.3.A.1 of the Borough Code of Ordinances, Subdivision and Land Development, regarding the requirement of one planting unit for every 20 linear feet adjacent street frontage.
- B. Preliminary and final subdivision and land development plan application to combine six existing lots into a 3.35-acre parcel and to construct a plus or minus 8,311-square-foot restaurant on a part of that parcel. The property is located in the TC Tourist Commercial, Historic and Streetscape Enhancement Overlay districts.

Mr. Sharrah presented the Final Sketch Plan submission. He stated that he had received an email from the Gettysburg Municipal Authority (GMA) and that they are satisfied with the design. He stated that there are a significant number of trees along Johns Avenue and Steinwehr Avenue. He is seeking a modification for the total number of street trees.

Mr. Schultz asked if the number of trees depend on the plans. Mr. Clabaugh explained that a tree does not equal a planning unit. The applicant is just asking for a modification of the landscaping plans, because Steinwehr Avenue has its own streetscape. Mr. Clabaugh explained that Mr. Sharrah is not seeking a waiver, but a modification to the number of trees. Mr. Dellett noted that the applicant has already provided the allotted number of planning units. Mr. Schultz asked if the landscape plans would be revisited after the stormwater plans have been addressed. Mr. Dellett said yes, and that the existing landscape follows the ordinance and is adequate. Mr. Picarelli asked what the modification would be for if 71 trees were indicated. Mr. Sharrah explained that he is asking that the existing trees along the street are suitable for the ordinance, and that the trees near the building would be provided per the plan.

Mr. Picarelli made the **motion** that the Planning Commission grant the modification of the requirements under Section 22.1103.3.A (quality of landscaping) based on the existing landscaping subsequent to the condition that the applicant replace any trees removed during construction. Mr. Schultz seconded, and the motion was approved 3-0 with one abstention.

Mr. Clabaugh reviewed the comments in the Borough Engineer's Review Letter. He stated that the final plan submission is just about complete with the approval of the final conditions stated in:

1. Mr. Dellett's Memo dated November 14, 2014.
2. Engineer's Review Letter dated October 31, 2014
  - All signature blocks should be signed and sealed prior to final plan approval.
  - Section 22-503.3.E.1 requires that the lot boundaries be determined by an accurate survey with a closure error of no more than 1 in 10,000. A statement of the closure error should be added to the plan.
  - We question the accuracy of the stormwater management notes on the cover sheet and throughout the stormwater management report with regards to the decrease in impervious coverage. From the notes provided on the stormwater management plans it appears that the green space is proposed to decrease by 429.6 square feet which would indicate that the impervious ae is proposed to increase. In addition, 20% of the existing impervious area within the regulated activity area shall be considered meadow in the existing conditions model. It appears to us that this will likely cause a total impervious area increase of greater than 800 square feet which will in turn require stormwater management volume control measures to be implemented.
  - The number of parking spaces does not appear to match between the Land Development Plan and what is listed under the site data table on the cover sheet.
  - The "handicap parking detail" should be updated to be specific to this plan. The sidewalk should be removed, space dimensions should be

revised, and the reference to thermoplastic pavement markings should be revised.

- Financial security shall be posted to final plan approval. We acknowledge that an estimate has been prepared and submitted but we note that additional security may be required for the stormwater management items pending the resolution of comment #3. Therefore, we will provide a review of the financial security estimate upon submission of an updated plan.
- The location of the roof leader connections to the storm sewer should be depicted on the plan. It appears that the roof leaders are intended to connect to the 10" Dia. PVC pipe along the western side of the restaurant.
- A review of the plan shall be performed by the Gettysburg Fire Department.
- A stormwater management agreement and a developer's agreement must be processed
- Section 1103.3.A.1 requires that one planting unit be provided for every 20 linear feet of adjacent street frontage. A waiver of this requirement has been requested. The Planning Commission shall make a ruling on whether or not this section can be waived. If a waiver is granted, a note shall be added to the plan cover sheet indicating the section of the ordinance that was waived and the date on which the approval was granted. We recommend that the waiver request be modified to indicate how many street trees currently exist versus how many would be required so it is clear that the waiver is not being granted from meeting the requirements in its entirety and only from meeting the requirements to provide trees in excess of what currently exists.
- We note that the plans indicate the cutting of the existing vitrified clay pipe and installing a 4" dia. Pipe in the area to allow for future ground water drainage. We recommend that the abandoned vitrified clay pipe be removed in its entirety. The proposed installation of a 4" caused concerns for future settlement. If the abandoned pipe is not to be removed, a detail of the connection to a 4" pipe should be provided.

3. Revised Engineer's Review dated November 14, 2014 (based on revised plans by Future Stakes 11/5/14)

- All signature blocks should be signed and sealed prior to final plan approval.
- Financial security shall be posted prior to final plan approval. CSD has reviewed the estimate prepared by the Developer and will be sending a letter of recommendation in the near future.
- A review plan shall be performed by the Gettysburg Fire Department.
- A Stormwater management agreement and a developer's agreement must be processed.

- Section 1103.3.A.1 requires that one planting unit be provided for every 20 linear feet of adjacent street frontage. A waiver of this requirement has been requested. The Planning Commission shall make a ruling on whether or not this section can be waived. If a waiver is granted a note shall be added to the plan cover sheet indicating the section of the ordinance that was waived and the date on which the approval was granted.

Reviews from the Adams County Office of Planning and Development and the Gettysburg Municipal Authority were discussed. The County Planning Office had identified some minor site design and ordinance compliance issues that the Borough should address prior to plan approval. County sought coordination with the Steinwehr Avenue construction project. Mr. Clabaugh stated that the County was unable to attend those meetings, but they are aware of all the delineations of the project and have not indicated any issues. They were also concerned with the placement of the dumpsters near the drive-out and blocking access to the lot during business hours. Mr. Clabaugh indicated that this was not an issue, and that garbage pickup is pretty expedient causing very little inconvenience to the public. GMA has indicated that there is sufficient water and sewer capacity to support this project.

Mr. Clabaugh stated that a review letter is still pending from the Gettysburg Fire Department (GFD). They have a copy of the plans, but he does not anticipate any issues since there is an access driveway indicated for GFD response.

Mr. Dellett summarized some of the key issues in his memo. He addressed the parking space requirements for the project. He indicated that 14 parking spaces will be leased to Dairy Queen on Steinwehr Avenue so that they can meet their parking requirements of providing parking within 500 feet of their business. Mr. Dellett addressed the building height requirement of 24 feet. Future Stake needs to submit in their plans that they have met this requirement. Mr. Dellett stated that the landscape modification was already addressed earlier in the meeting.

Mr. Schultz asked if Future Stake is combining the lots. Mr. Dellett responded yes and that the Sheet LD3 of the design plans show the lot and is part of the application. Mr. Clabaugh suggested to Mr. Sharrah that the plan name be called, "Preliminary Final Subdivision and Land Development Plan" to incorporate to address both the subdivision and land development concurrently. Mr. Dellett stated that plans must be recorded before the building permit is issued. Mr. Clabaugh stressed that the better question would be what happens to the deed: does it get rewritten to the municipality, incorporated into the development agreement, and address security. He explained that new deeds are written to address these issues. Mr. Dellett stated consolidation is a part of the land application. Mr. Clabaugh stated that it will be one lot in the eyes of the County.

Mr. Dellett summarized that if the Planning Commission is to grant final approval for the application SLD-14-03 Future Stake Development Plan, 253 Steinwehr Avenue, they must meet the following conditions stated in his November 14<sup>th</sup> Memo:

1. **BOROUGH ENGINEER'S REVIEW LETTERS.** The applicant shall address all outstanding issues referenced in the Borough Engineer's review letters dated October 31, 2014 and November 14, 2014, in a manner acceptable to the Borough Engineer.
2. **DEVELOPMENT AGREEMENT.** The applicant shall execute the Borough's standard development agreement in a form acceptable to the Borough Solicitor. (SALDO §22-803)
3. **FINANCIAL SECURITY.** The applicant shall provide financial security for the development in a manner acceptable to the Borough Engineer and consistent with the provisions in the state Municipalities Planning Code. (SALDO §22-804)
4. **STORMWATER MANAGEMENT AGREEMENT.** The applicant shall execute the Borough's standard Stormwater Management agreement in a form acceptable to the Borough Engineer. (SALDO §22-1008 and Chapter 17 of the Borough Code of Ordinances, Stormwater Management)
5. **BUILDING HEIGHT.** The applicant shall provide building elevations that demonstrate compliance with Sections 27-905.1 and 27-1903.5.C of the Borough Zoning Ordinance. (Zoning Ordinance §§27-905.1 and 27-1903.5.C)
6. **PRIOR PARKING LEASE WITH 230 STEINWEHR AVENUE (DAIRY QUEEN).** The application shall place a note on the plan that provides notice that the applicant is subject to a prior 20-year parking lease with the property owner of 230 Steinwehr Avenue. The applicant shall revise the site data to show that 14 parking spaces, not 12 parking spaces, are leased to the property owner of 230 Steinwehr Avenue. The location of the leased parking spaces shall comply with the findings of fact and conditions in the Borough Zoning Hearing Board's decision memorandum dated July 12, 2013.
7. **COMPLIANCE WITH BOROUGH SIGN ORDINANCE.** The applicant shall apply for and receive approval for installation of all signs depicted on the development pursuant to Chapter 19 of the Borough Code of Ordinances, Signs. (Chapter 19 of the Borough Code of Ordinances, Signs)
8. **COMPLIANCE WITH BOROUGH HISTORIC DISTRICT ORDINANCE.** The applicant shall comply with all regulations in Chapter 11 of the Borough Code of Ordinances, Historic District, and construct the new building in according to plans and materials submitted for a Certificate of Appropriateness approved by Borough Council at its November 10, 2014 meeting. (SALDO §22-1018.C and Chapter 11 of the Borough Code of Ordinances, Historic Districts)

Mr. Picarelli made the **motion** to grant the final land development plan based on the conditions stated in Mr. Dellett's November 14<sup>th</sup> Memo are met. Ms. Kipp seconded, and the motion was approved 3-to-0 with one abstention.

Mr. Schultz asked if the deed should be incorporated in the motion. Mr. Clabaugh replied that the deed is addressed in #2 of Mr. Dellett's Memo.

## **Sketch Plan Submission**

**Tommy's Pizza, 105 Steinwehr Avenue. Prospective applicant wishes to discuss a proposal to demolish and reconstruct a plus/minus 3,300-square-foot restaurant on the property. The property is located in the TC Tourist Commercial, Historic and Streetscape Enhancement Overlay districts.**

Mr. Shaffer, the architect representing Tommy's Pizza, presented the Sketch Plan Submission. He said that the Leedy family, owners of Tommy's Pizza, wanted to make preliminary changes to the building in order to grow their business. They wanted to either remove the existing building in order to rebuild on the same footprint (maintaining the same non-conformities), or construct a new building on a different footprint within the lot (dealing with the non-conformities). He addressed one of the major non-conformities which was parking. He said that the current business has adequate parking, but adding additional seating would require additional parking. He stated that there is not any parking within 500 feet in order to comply with the ordinance. Mr. Shaffer wanted to focus on the parking lot triangle. He asked the Commission about the parking requirements in lieu of seeking parking alternatives off-site. Mr. Mayers responded that the parking requirements, specifically the parking required with 500 feet of a business entrance, is determined by the Zoning Hearing Board. Mr. Dellett explained that parking off-site was explored, but nothing reasonable was determined to meet the requirements. Mr. Schultz stated that the Commission could make a recommendation to the Zoning Hearing Board if a variance was sought, but the decision would be theirs.

Mr. Shaffer asked if the building was constructed on the same footprint, would the parking non-conformities remain. He stressed that there is difficulty finding additional parking, but they would like to keep their existing parking. Mr. Picarelli questioned if they would be grandfathered into parking. Mr. Dellett replied that the parking ratio is based on seating. He posed two points to consider: reconsider the parking space requirement opposed to seating and the challenge of expanding the radius of available parking. Ultimately, parking requirements based on seating should be reviewed. Mr. Mayers broke down the seating ratio: the building has 12 parking spaces in front, and 7 parking spaces in the back. Therefore 19 spaces multiplied by 4 seats per space equals 76 seats. With 108 present available seats divided by four seats per space, there is a need now for 27 parking spaces. Tommy's Pizza is already short eight spaces.

Mr. Clabaugh stated that if you build on the same footprint, the business could retain their seating. Mr. Shaffer asked that if the building was built on the present footprint, could the 120 available seats be maintained. Mr. Clabaugh highlighted Part 14 of the Zoning Ordinance which covers non-conformist uses by category: continuation, extension, change, restoration or abandonment. He explained that basically, if there is a continuation or exception, that you can do it. But if you change something, then the non-conformities apply. Mr. Dellett asked if the business has the right to keep what they have now. Mr. Clabaugh replied that you cannot expand the non-conformity. Mr. Dellett stated that the expansion of the capacity of the restaurant is what needs to be addressed.

Mr. Shaffer asked about the building limitations, like parking, before a considerable amount of money is invested into this project. In 1998, the structure was a non-conforming building. He asked about the structure and its use in 2014. If you want to grow a business and expand seating, then parking must be expanded. Mr. Dellett remarked that the Planning Department needs to look at the approved capacity for restaurants and address loading areas. Mr. Shaffer commented that additional parking was approved for the business because the pick-up window was not a drive-through facility. Mr. Dellett explained that parking based on space vs. gross floor area would make the scenario worse. Mr. Schultz noted that expansion could trigger not only parking changes but stormwater management changes.

Mr. Shaffer asked if a second floor was added to the building located on the original footprint, would the non-conformities change. Mr. Clabaugh replied that if a demolition/new construction occurred, stormwater management would not make the project fail. Parking would be the bigger issue.

Mr. William Leedy asked if any consideration was giving to pedestrian patrons. Mr. Mayers replied that the Commission would have to deal with the present regulations. Mr. Shaffer stated that variances for parking are hard to obtain after the parking issues with Mr. G's on Baltimore Street. Mr. Wade Leedy said that their business structure is "busting at the seams"; there are a lot of people who want to patronize their business; and they want to stay at 105 Steinwehr Avenue. Mr. William Leedy said that currently 13 employees work during their largest shift.

Mr. Clabaugh noted that building a structure in the corner of the triangle would be the safest option for parking. Mr. Dellett questioned how to reevaluate parking parameters to meet business needs today. Mr. Picarelli stated that he would support expanding the radius from 500 feet to 700 feet in the future. Mr. Schultz stated that the building is located in a Tourist Commercial zone, and wondered if the Commission could recommend that Borough Council overhaul the parking regulations. Mr. Dellett stated that a lot of functional parking issues have become policy.

Mr. Shaffer asked if some parking changes could be addressed through a zoning variance. Mr. Clabaugh replied that a variance would be needed for a side-yard set-back. He noted that Tommy's Pizza bears an undue hardship because of lot configuration. Mr. Dellett noted that a parking lot already exists, and that this is a discussion that the Commission needs to figure out exactly what adequate parking is.

### **Planning Director's Report**

Mr. Dellett updated the Commission on the Central Adams County Joint Comprehensive Plan. He stated that their Steering Committee met on November 6<sup>th</sup> to review and discuss sewer and water service areas as part of the Plan's Utilities Component. He reported that their next meeting will be held on December 2<sup>nd</sup> at the Adams County Agricultural and

Natural Resources Center. Mr. Dellett stated that, in lieu of next month's Planning Commission Meeting that it was a pleasure working with Mr. Mayers as Chair, who will be stepping down at the end of the year. Mr. Dellett introduced Borough Manager Gable to the Commission.

**Other Business**

There was no other business.

Mr. Picarelli made the motion to adjourn; Ms. Kipp seconded the motion. The motion was approved and the meeting adjourned at 8:22 PM.

Respectfully submitted,

Karen M. Mesher  
Borough Management Assistant