

April 20, 2015
Planning Commission Minutes
Borough of Gettysburg

Chair Rad Schultz called to order the Monday, April 20, 2015 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 Sarah Kipp, Martin Jolin, Mike Shestok, and Dominic Picarelli; Planning Director Scott Dellett; and Borough Management Assistant Karen Mesher. Others in attendance were: Gary Shaffer and Joe Edgar, both of Shaffer Design Associates PC, and Yianni Barakos, all representing Mason Dixon Distillery, 331 East Water Street; and Jim Hale representing *The Gettysburg Times*; Borough Engineer Chad Clabaugh was absent.

Agenda and Minutes

The meeting agenda was accepted as published. Mr. Jolin moved to approve the March 16, 2015 minutes as presented. Ms. Kipp seconded, Mr. Shestok and Mr. Schultz abstained, and the **motion** was approved 3-to-0 with two abstentions.

Public Comment for Items Not on the Agenda

There was no public comment.

New Application

ZHB-15-15-02 Mason Dixon Distillery, 301 East Water Street, Special Exception Request

Applicant requested a special exception approval under Section 27-1103(B) Restaurant, Excluding Drive-In Establishments and Section 27-1103(H), Retail Sales, in connection with a proposed distillery. The property is located in the IND Industrial Zoning District. The Planning Commission is requested to review this application and forward a recommendation to the Zoning Hearing Board pursuant to Section 27-1703 of the Borough Zoning Ordinance. The application was submitted to the Planning Department on April 1, 2015. The Borough Zoning Hearing Board will hold a public hearing on the special exception on April 22, 2015 at 7 PM in Council Chambers.

Mr. Shaffer gave background information on the site, stating that the building was originally the Reeser Furniture Factory. He said that it was a manufacturing commercial industrial area that would now be used as a restaurant and retail sales area, similar to accessory use. The Distillery is a wholesale distribution use and is a use permitted by right in the IND Industrial District. Mr. Barakos said he would like to sell his product and have an eating area with light fare/retail uses as the special exception.

Mr. Schultz asked if there would be tasting of the product. Mr. Barakos responded there would be product tasting, purchases of the product and tours of the facility. Mr. Schultz asked what the product is. Mr. Barakos said that light beers and whiskies would be sold. Mr. Shaffer said that the distillery use

is required by law. In the 1980s-1990s, a flea market was located there. The applicant will need a special exception as outlined in Mr. Dellett's memo dated April 16, 2015:

Section 27-1704.B of the Borough Zoning Ordinance states the applicant that requests approval of a special exception shall provide evidence to the Zoning Hearing Board:

- The proposed use is consistent with the purpose of the Part whereby it is permitted and the overall purposes contained in Part 1.
- The proposed use and its location are generally consistent with the Comprehensive Plan and the current Gettysburg Borough Zoning Map.
- The proposed use complies with the lot requirements and the building height of the district where it is proposed.
- The proposed use is consistent with the general and supplemental regulations set forth in Part 15, and the design standards of Part 19.
- The proposed use will not substantially injure or detract from the use of neighboring property or from the character of the neighborhood and that the use of the adjacent property is adequately safeguarded. Further, the proposed use, located on the proposed property, with the present and proposed characteristics of each, and considering the present and proposed characteristics of the neighboring properties, will not cause negative impacts over and above those typically associated with such uses located and operated in a usual manner.
- The proposed use will provide a fence or a planting screen and/or additional yard or open space area to reduce the effect of the proposed use upon adjacent properties.
- The proposed use will promote preservation or adaptive reuse of the sites and structures identified by the Local Historic District Regulations [Chapter 11].
- The proposed use complies with the required off-street parking and loading regulations in Part 13.
- The proposed use will provide safe and adequate access to streets and that the applicant will make any improvements needed to guarantee compatibility with adjacent streets as recommended by the Borough Engineer.
- The proposed use will provide for pedestrian access to the site.
- The proposed use will not adversely affect public facilities and utilities, such as water, sewer, police and fire protection, schools, etc.
- The proposed use will comply with the signage regulations of Chapter 19 of the Borough Code.

The Zoning Hearing Board may attach such reasonable conditions and safeguards as it deems necessary to assure compliance with the Borough Zoning Ordinance.

Mr. Shaffer said that the applicant was not seeking a variance for the property. He said that the proposed use would benefit the Borough, is a use that meets zoning requirements and complies with lot requirements, and Part 15 of the Design Standards. He stated that the design would not detract from the character of the

neighborhood or conflict with R2 zoning. He said that the SpectraKote Factory will remain, but the owner is anxious to lease this property.

Mr. Schultz asked about the entrance to the building. Mr. Shaffer replied that both driveways (Water Street and Fourth Street) work as entrances, and that the Fourth Street entrance is best used by pedestrians. Mr. Schultz asked if there will be signage on both streets. Mr. Shaffer responded that the site can have signs on both streets per the sign ordinance.

Mr. Shaffer stated that the building was constructed in 1912, but the newer section was constructed in 1920. The property is not in the historic district. The property has sufficient off-street parking, has safe vehicle access and has a sidewalk on Fourth Street and on the north side of Water Street. Ms. Kipp asked if the use of parking sales would not inhibit parking. Mr. Barakos said no, that trucks are just parking there temporarily. Mr. Shaffer said that less than half of the building is being used, so there is still adequate parking for the applicant's use and any future uses. He said that the building is fully sprinkled, and won't make any unusual demands on utilities. Mr. Barakos intends to comply with the sign regulations. Mr. Shestok asked where the gravel driveway along the railroad tracks goes. Mr. Shaffer said that is the interior courtyard, but the space remains open. Mr. Barakos said that area will be gated.

Mr. Shaffer said that there is availability for pedestrian traffic, but is very safe for vehicle use. Ms. Kipp agreed that the location is suitable for pedestrian / vehicle traffic, but Water Street is not well lit. She said that additional lighting would be nice to promote pedestrian traffic to and from the property. Mr. Barakos said that the parking lot is pretty well lit, but will add additional lighting. Mr. Jolin asked about off-site drainage, and water draining onto other properties. Mr. Shaffer said that the property sits up high and the two grassy areas absorb the sheet flow. He is not aware of any water issues. Mr. Jolin asked about the existing pervious area for SpectraKote. Mr. Shaffer said that when the zoning was changed, and the original subdivision was considered use for townhouses, there was seventy percent coverage. The new zoning regulations increased coverage from 70 percent to 85 percent. He noted that the water issues from Stevens Run did not originate in this area.

Mr. Dellett asked if the lease agreement was going to specify parking locations, and that parking requirements were based on the number of seats. Mr. Barakos said that he intends to use 40 parking spaces. He noted that he gets along well with his landlord. He said that his license from the state said that he could sell alcohol from 9AM to 11PM. He said that SpectraKote's hours begin early in the morning.

Mr. Jolin asked about serving food and drinks near a manufacturing building. Mr. Barakos said that his limited distillery license allows brews and foods. He said that they share some wall space, but the space is truly separate.

Mr. Shestok made the **motion** for the Planning Commission to recommend that the Zoning Hearing Board grant the special exceptions to the Mason Distillery for the use of the property at 301 East Water Street for a restaurant under Section 27-1103(B) excluding drive-in establishments and for retail sales under Section 27-1103(H). Mr. Picarelli seconded the **motion**. The motion was approved 5-to-0. Mr. Dellett said that the Zoning Hearing Board will meet on April 22nd.

Zoning Ordinance Amendment – Parking, Loading and Unloading

Mr. Dellett presented a revised memorandum dated April 16, 2015 listing the issues that the Planning Commission should consider in their review of the revisions to Part 13 of the Borough Zoning Ordinance, Parking, Loading and Unloading with respect to the following sections: Section 27-1301.6, Section 27-1301.8, Section 27-1302.2, Section 27-1303, and Section 27-1304, as stated in his original memo dated March 13, 2015 (see attached). The Planning Commission should consider the following issues:

- Section 27-1301.6 states: *“The required parking for two or more uses may be provided in a common parking area, provided that the total number of spaces is not less than 90 percent of the sum of spaces required for each individual use and further provided that such Shared Parking shall be in accordance with the Urban Land Institute publication Shared Parking – Second Edition, 2005.”* The Planning Commission should discuss the following:
 - If the shared parking option should be specifically described in Part 13, similar to the shared parking provisions in Section 1207 of the Abbottstown Borough Zoning Ordinance (or other zoning ordinances).
- Section 27-1301.8 states: *“For any activity or use involving employees or staff, a sufficient number of parking spaces shall be provided for all employees or for all the employees on duty at any one time.”* In my professional opinion, the language is vague and difficult to verify compliance. The Planning Commission should discuss the following:
 - To include parking requirements for employees within the parking space requirements for each applicable use category; or
 - That parking requirement for each use category adequately covers employee parking.
- Section 27-1302.2 states: *“The Zoning Hearing Board shall determine the parking requirement for any uses, structures or activities not specifically provided for above.”* The Planning Commission should discuss the following:
 - Whether to retain this provision, inserting specific submission requirements and criteria; or
 - Consider the inclusion of a catch-all provision in Section 27-1302.1: All other uses not defined: 1 parking space per _____ square feet of gross or net floor area.
- Section 27-1303 address off-street loading requirements. All establishments are required to provide at least one loading berth of dimensions of not less than 10 feet-by-25 feet. The Planning Commission should discuss the following:
 - Whether businesses under a certain size (square footage) should provide a 10-foot-by-25-foot loading area; instead should the business be allowed to designate an area of loading and unloading without specific (or reduced) dimensional requirements?

- Section 27-1304 addresses exemptions for the downtown area (OT Old Town Zoning District) and Elm Street Overlay District. Under this provision, the parking requirements under Section 27-1302 do not apply, except for new construction or the addition of dwelling units. The Planning Commission should discuss the following:
 - Extend the provisions in Section 27-1304 to other areas (zoning districts);
 - Extend the provisions for Section 27-1304 Borough wide;
 - Consider regulations for shared parking, as described earlier in this memorandum; and/or
 - Consider exemptions in certain individual use categories requirements (i.e. no parking requirement for the first ____ square feet of floor area).

Mr. Dellett said that the overview of the issues for consideration could guide their approach to revising the zoning ordinance, and the Commission could review each section separately.

Mr. Dellett noted that in Section 27-1301.6, the shared parking option should be spelled out. He said that it would make it easier for staff to administer the regulations and for the applicant to understand them. Mr. Shestok asked if an example could be provided. Mr. Dellett provided the example referencing the Well Span Lot, stating that it was used as a medical lot during the day but had another use at night. Mr. Schultz said that not being very specific when writing ordinances covered those things not anticipated. Mr. Dellett stated that the Zoning Hearing Board makes their decisions with very little criteria, and that they should have criteria.

Mr. Dellett noted that in Section 27-1301.8 that the parking lot requirements for employees were addressed. He recommended that they include parking regulations for employees within parking space requirements for each applicable category. Mr. Schultz suggested that it should be based on square footage, which would be better for businesses and not require them to go before the Zoning Hearing Board. Mr. Dellett said that this is a catchall for uses that are not considered at this time.

Mr. Dellett noted that in Section 27-1303 regarding off-street loading requirements, the Commission should consider loading areas based on the scale of operations, and should consider smaller designations of prospective business needs as exemplified by the use of alleyways as service areas. Mr. Picarelli said that a business could use a parking space as a designated loading area, and not just designate a loading space.

Mr. Dellett noted that in Section 27-1304 the existing parking exemptions in OT Old Town district was addressed. He said properties in the Old Town District has the Racehorse Alley Parking Garage and that the Commission should address the regulations in certain areas of the Borough that go from residential to retail. Mr. Schultz said that we should keep the requirements as flexible as possible. Mr. Dellett said that the applicant needs to understand the requirements. Mr. Shaffer said that people who create new residences must provide parking, and that the Old Town District does not require parking for new hotels and bed and breakfast establishments. He said that the current regulations are right. Mr. Dellett told the Commission that he will get some draft ordinances together.

Staff Report

Mr. Dellett said that the Central Adams County Joint Comprehensive Plan Steering Committee met on April 7th, and discussed the natural resources and character areas for housing. Their next meeting will be on May 5th, and components of the study will be discussed by the Committee to move the process forward. Ms. Kipp said that the Committee hopes to present more visions.

Other Business

There was no other business.

Mr. Picarelli made the **motion** to adjourn, and it was seconded by Ms. Kipp. The motion was approved 5-to-0. The meeting adjourned at 8:20 PM.

Respectfully submitted,

Karen M. Mesher
Borough Management Assistant