



LOWER PAXTON TOWNSHIP

BRADLEY N. GOTSHALL,
Township Manager

Department of Community Development
Amanda Zerbe, *Director*

LOWMAN S. HENRY, *Chairperson*
ROBIN L. LINDSEY, *Vice-Chairperson*
CHRIS JUDD
NORMAN C. ZOUMAS
PAUL W. NAVARRO

MEMO TO: Board of Supervisors

FROM: Amanda Zerbe, Community Development Director
Nick Gehret, Zoning Officer

DATE: June 2, 2023

SUBJECT: Ordinance 23-04

Ordinance 23-04 amends Chapter 203 of the Zoning Ordinance, Article III, to modify the Lower Paxton Township Zoning Ordinance to adopt and amend Section 306.B.2.f, "Table of Allowed Uses In Each Zoning District" and Section 403.D.0 "Additional Requirements for Accessory Uses" to allow an auto fueling station as part of a retail grocery store use (Section 403) in the CN, Commercial Neighborhood, Zoning District as a Special Exception.

The Planning Commission has been provided the following information regarding Ordinance 23-04:

- Proposed Ordinance 23-04
- The Application for the amendment to the zoning ordinance
- A copy of the Public Notice

The proposed ordinance was advertised in accordance with the PA Municipalities Planning Code.

- The Public Notice will be posted in the Legal ad column of The Sun on Thursday, June 1, 2023, and Thursday, June 8, 2023.

The Application for Amendment to the Zoning Ordinance the was placed on the Dauphin County Planning Commission's June 5, 2023, agenda, where the proposed Zoning Amendment was approved. The proposed Zoning Amendment was recommended for approval by the Lower Paxton Township Planning Commission, at the June 7, 2023, meeting.

DAUPHIN COUNTY PLANNING COMMISSION

DAUPHIN COUNTY COURTHOUSE – HARRISBURG, PENNSYLVANIA 17101

STAFF OFFICE
112 Market Street, 2nd Floor
Harrisburg, Pennsylvania 17101-2015
Telephone 717-234-2639
Fax 717-234-4058
e-mail: planning@tcrpc-pa.org

June 5, 2023

Board of Supervisors
Lower Paxton Township Municipal Building
425 Prince Street
Harrisburg, PA 17109

Re: Proposed zoning ordinance amendment to add “Auto Fueling Station as part of a Retail Grocery Store Use” as an accessory use permitted by special exception within the Commercial Neighborhood District

Dear Supervisors:

The Dauphin County Planning Commission has received notification of a zoning ordinance amendment request in your municipality. The Commission reviewed the request at its June 5, 2023 meeting and offers the following comments.

Recommendation: The Commission supports adoption of the proposed zoning ordinance text amendment to add Auto Fueling Station as part of a Retail Grocery Store Use” as an accessory use permitted by special exception within the Commercial Neighborhood (CN) District.

Background: Weis Markets, Inc. has proposed to amend the Lower Paxton Township Zoning Ordinance (Section 203-306.B.2.f) to add “Auto Fueling Station as part of a Retail Grocery Store Use” as an accessory use permitted by special exception within the Commercial Neighborhood (CN) District. Additional regulations specific to “Auto Fueling Station as part of a Retail Grocery Store Use” uses would also be added to the zoning ordinance (Section 203-403.D.0) requiring the following:

- The Auto Fueling Station shall be on the same lot as a permitted Retail Grocery Store.
- The Retail Grocery Store shall contain a minimum 30,000 sq.ft. of retail floor area.
- The Auto Fueling Station shall be branded and managed as part of the Retail Grocery Store.
- Access driveways to the Auto Fueling Station shall be at least 30’ from the intersection of any public streets.
- Gasoline pumps at the Auto Fueling Station shall be located at least 30 ft. from the edge of the R.O.W. of a public street.
- Ingress and egress at the Auto Fueling Station shall not create hazardous conditions or undue traffic congestion.
- Air towers and water outlets may be located outside an enclosed building, provided

that all facilities associated with the Auto Fueling Station shall be setback a minimum of 10' from any property lines.

- All supplies and merchandise shall be stored within a building except automotive supplies on display for sale

The Lower Paxton Township Zoning Ordinance states the purpose of the Commercial Neighborhood (CN) District as “to provide for lighter types of commercial uses that will be compatible with nearby homes”. Auto service stations/gas stations is not a permitted use within the CN District. Other automobile-oriented uses (auto repair garages, auto sales, car wash) are not permitted uses within the CN District. Retail stores (including grocery stores) is a permitted use by right, limited to a maximum of 50,000 SF of retail indoor floor area.

The Lower Paxton Township Comprehensive Plan does not offer any specific guidance or community vision on the topic. The Comprehensive Plan contains a goal (L.2) to “promote various ranges of types of business development in different areas...” and a subsequent objective to “seek a full range of business, retail and service opportunities that are conveniently available for residents. Promote new ways to fill any vacant retail spaces with new tax-paying uses”. The Comprehensive Plan also notes that the CN District is “not appropriate for the most intensive commercial uses, but instead should provide from commercial uses that are compatible with nearby homes”.

Neither the Regional Growth Management Plan (RGMP) developed by Tri-County Regional Planning Commission (TCRPC) or the Dauphin County Comprehensive Plan offer specific guidance, but are generally supportive of strategies to increase infill and compact forms of development.

Analysis: As noted above, the local and regional planning documents do not offer specific guidance or policy on this topic. There is general support of compact, infill development, but also the stated purpose of the zoning district to avoid the most intensive commercial uses.

Dauphin County Planning Commission has no specific issues with the proposed text amendment, but would encourage the Township to consider the following additional requirements to address concerns related to the intensity of retail uses in commercial neighborhood developments:

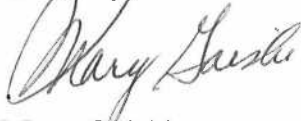
- Maximum number of fuel pumps
- Screening views from neighboring residential properties
- Limiting hours of operation, including outside music or lighting

Based on the above comments, Dauphin County Planning Commission supports the adoption of the proposed zoning ordinance text amendment. The Township should be reminded that, if amended as proposed, these changes will potentially affect properties currently within the Commercial Neighborhood (CN) District, as well as any properties added to the CN District through future proposed zoning ordinance amendments.

Thank you for the opportunity to review the proposed change. Please direct any questions concerning this review to Andrew Bomberger, AICP at the above staff office.

In accordance with the Pennsylvania Municipalities Code (Section 609g and 306b), a copy of all approved zoning amendments must be submitted to the county planning office within thirty (30) days of enactment.

Sincerely,

A handwritten signature in cursive script that reads "Mary Gaiski". The signature is written in black ink and is positioned above the printed name.

Mary Gaiski
Chairwoman

DATE 5/4/2023 NO: 23-04

APPLICATION FOR AMENDMENT TO ZONING ORDINANCE
TO THE
SUPERVISORS, LOWER PAXTON TOWNSHIP

1. The name and address of Applicant: Weis Markets, Inc. 1000 S. 2nd Street, PO Box 471 Sunbury PA 17801
2. The name and address of Applicant's Attorney: James F. Preston Esq. Broughal & Devito, LLP 38 W. Market Street Bethlehem PA 18018
3. The interest of Applicant is: Owner
4. If interest is other than "owner", furnish name and address of owner: N/A
5. The subject property is located as follows: 4300 Linglestown Road Weis Markets Store #127
6. The subject property is situated in a CN-Neighborhood Commercial Zoning District.
7. Zoning District which Applicant requests: Text Amendment to the Zoning Ordinance to include fueling stations as accessory use to the retail grocery store use.
8. Existing use of land and/or buildings is: Commercial/Weis Markets Supermarket
9. Proposed use of land and/or buildings is as follows (described in detail):
As part of the expansion and modernization of the existing supermarket, Weis proposes the installation of a Gas N Go fueling facility (6 fueling positions and attendant's kiosk), parking facilities expansion and vehicular circulation improvements.
10. Plot plan (attached to application) showing the following:
 - a. Property lines.
 - b. Proposed building or buildings (main and accessory).
 - c. Height of building or buildings.
 - d. Yards – front, side, rear, and buffer.
 - e. Off-street parking areas, and means of access to public roads or streets.
 - f. Existing use of properties abutting or opposite the subject properties.

Please see attached cover letter and proposed draft text amendment.

Date received: 5/4/2023 Fee: 1000⁰⁰ Date: 5/9/2023 No.: 2676710

Referred to Planning Commission (date) 5/19

Planning Commission action: Approved

(attach sheet if necessary).

Publication: The Sun 6/1/23, 6/8/23 (dates) Newspaper: The Sun

Notices: _____

Hearing: _____ (date) _____ (time) _____ (place)

Order: _____



Alexander G. Ororbia
Director of Land Development

VIA FIRST CLASS MAIL

May 3, 2023

LOWER PAXTON TOWNSHIP
Board of Supervisors
c/o Chris Judd, Secretary
Municipal Center
425 Prince Street
Harrisburg, PA 17109

Re: Request for Zoning Ordinance Text Amendment

Dear Members of the Board:

Weis Markets, Inc. operates a retail grocery store in a Neighborhood Commercial (CN) zoning district in Lower Paxton Township. As you probably know, auto fueling stations are becoming a usual and customary part of the retail grocery store use in much the same way as they became a usual and customary part of the convenience store use. Weis is preparing a land development plan for its Linglestown Road location with the intent to expand and modernize the existing operation; however, the Lower Paxton Township Zoning Ordinance does not permit Weis Markets to include an auto fueling station as part of its use.

Weis Markets respectfully requests that the Township Supervisors consider amending the Township Zoning Ordinance to include auto fueling stations as a part of the retail grocery store use thereby, allowing Weis to develop a modern facility which will meet consumer expectations for years to come. Enclosed for illustrative purposes is a draft proposal for zoning amendment that would allow the auto fueling station subject to reasonable constraints.

Please let me know if I can meet with the Board to discuss this proposal.

Sincerely, 

Enc.: Draft Proposed Text Amendment

cc.: Bradley Gotshall – Lower Paxton Township
Nick Gehret – Lower Paxton Township
Amanda Zerbe – Lower Paxton Township
Steven Stine, Esq. – Lower Paxton Twp. B.O.S. Solicitor
Jack O'Hara – Weis Markets, Inc.
James Preston, Esq. – Broughal & DeVito, LLP
Joseph Gurney – First Capital Engineering

WEIS MARKETS, INC.
1000 SOUTH SECOND STREET | P.O. BOX 471 | SUNBURY, PA 17801-0471 | 1.800.662.5370

Weis Markets, Inc.

May 3, 2023

Draft Proposed Zoning Text Amendment

§ 306.B.2.f – is amended to add the following accessory use as an accessory use permitted by Special Exception in the CN Zoning District:

“Auto Fueling Station as part of a Retail Grocery Store Use (S.403)”

§ 403 is amended to include the following accessory use:

§ 403.D.0 Auto Fueling Station:

- a. The Auto Fueling Station shall be on the same lot as a permitted Retail Grocery Store.
- b. The Retail Grocery Store shall contain a minimum 30,000 sq.ft. of retail floor area.
- c. The Auto Fueling Station shall be branded and managed as part of the Retail Grocery Store.
- d. Access driveways to the Auto Fueling Station shall be at least 30’ from the intersection of any public streets.
- e. Gasoline pumps at the Auto Fueling Station shall be located at least 30 ft. from the edge of the R.O.W. of a public street.
- f. Ingress and egress at the Auto Fueling Station shall not create hazardous conditions or undue traffic congestion.
- g. Air towers and water outlets may be located outside an enclosed building, provided that all facilities associated with the Auto Fueling Station shall be setback a minimum of 10’ from any property lines.
- h. All supplies and merchandise shall be stored within a building except automotive supplies on display for sale.

ORDINANCE NO. 23-04

AN ORDINANCE OF LOWER PAXTON TOWNSHIP, DAUPHIN COUNTY, COMMONWEALTH OF PENNSYLVANIA, AMENDING THE CODE OF THE TOWNSHIP OF LOWER PAXTON, CHAPTER 203 (ZONING ORDINANCE), SECTION 306 (Allowed Uses) AND SECTION 403 (Additional requirements for Accessory uses)

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Lower Paxton Township, Dauphin County, Pennsylvania, and it is hereby enacted and ordained by authority of the same as follows:

Section 306 (Table of Allowed Uses in Each Zoning District) and Section 403.D.O (Additional Requirements for Accessory uses) of the Zoning Ordinance are hereby amended as follows:

§ 306.B.2.f – is amended to add the following accessory use as an accessory use permitted by Special Exception in the CN Zoning District:

“Auto Fueling Station as part of a Retail Grocery Store Use (S.403)”

§ 403 is amended to include the following accessory use:

§ 403.D.0 Auto Fueling Station:

- a. The Auto Fueling Station shall be on the same lot as a permitted Retail Grocery Store.
- b. The Retail Grocery Store shall contain a minimum 30,000 sq.ft. of retail floor area.
- c. The Auto Fueling Station shall be branded and managed as part of the Retail Grocery Store.
- d. Access driveways to the Auto Fueling Station shall be at least 30’ from the intersection of any public streets.
- e. Gasoline pumps at the Auto Fueling Station shall be located at least 30 ft. from the edge of the R.O.W. of a public street.
- f. Ingress and egress at the Auto Fueling Station shall not create hazardous conditions or undue traffic congestion.
- g. Air towers and water outlets may be located outside an enclosed building, provided that all facilities associated with the Auto Fueling Station shall be setback a minimum of 10’ from any property lines.
- h. All supplies and merchandise shall be stored within a building except automotive supplies on display for sale

SECTION 3: All other ordinances and parts of ordinances inconsistent herewith are hereby repealed.

SECTION 4: The provisions of this Ordinance are severable and if any of its sections, clauses or sentences shall be held illegal, invalid or unconstitutional, such provision shall not affect or impair any other remaining sections, clauses or sentences of the same.

DULY ORDAINED and ENACTED as Ordinance 23-04 on this day of _____ ,
 by the Board of Supervisors of Lower Paxton Township, Dauphin County, Pennsylvania, in lawful
 session duly assembled.

(Signature Page Follows)

ATTEST:

**BOARD OF SUPERVISORS
 LOWER PAXTON TOWNSHIP**

Secretary

By: _____

Chairman

Vice-Chairman

Supervisor

Supervisor

Supervisor

SECTION 5: This Ordinance shall become effective five (5) days after enactment.