LOWER PAXTON TOWNSHIP
ZONING HEARING BOARD
Reorganizational Meeting

February 3, 2011

**MEMBERS PRESENT**
Jeffrey Staub
Sara Jane Cate
Richard Freeburn
Gregory Sirb

**ALSO PRESENT**
James Turner, Solicitor
Dianne Moran, Planning & Zoning Officer

## CALL TO ORDER

Mr. Staub called the reorganizational meeting of the Lower Paxton Township Zoning Hearing Board to order at 7:00 pm, on February 3, 2011 in Room 171 of the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania. Mr. Staub turned the meeting over to Mr. Turner for the election of officers.

## ELECTION OF OFFICERS

Mr. Turner called for nominations for officers for the Zoning Hearing Board for the 2011 year.

Mr. Staub made a motion to nominate Richard Freeburn as Chairperson. Mr. Sirb seconded the motion. Ms. Cate made a motion to nominate Gregory Sirb as Chairperson. Mr. Sirb respectfully declined, and suggested he may be able to chair the Board next year. A unanimous vote followed for Mr. Freeburn as Chairperson.

Mr. Sirb was nominated as Vice-Chairperson, seconded by Mr. Freeburn and approved by a unanimous voice vote.

Michelle Hiner was nominated as recording secretary by Mr. Sirb, seconded by Ms. Cate, and approved by a unanimous voice vote.

Filius & McLucas was nominated as court reporter by Mr. Sirb and seconded by Mr. Staub, and approved by a unanimous voice vote.

James Turner of Turner & O'Connell was nominated as Zoning Hearing Board Solicitor by Mr. Sirb, seconded by Mr. Staub, and approved by unanimous voice vote.

Mr. Staub asked how long Mr. Turner has been solicitor for the Lower Paxton Township Zoning Hearing Board. Mr. Turner stated this should be his 30th year. He noted his first hearing was Docket #101, and tonight the Board will hear Docket #1294, not to mention the other hearings such as special exceptions.

## MEETING DATE, TIME & PLACE

Mr. Freeburn made a motion to continue to meet on the fourth Thursday of each month at 7:00 pm, in Room 171 of the Lower Paxton Township Municipal Center. Mr. Staub seconded the motion and a unanimous vote followed. Because of holidays, the October, November and December meetings were scheduled for the first Thursday of the following month. (October meeting=November 3; November meeting=December 1; December meeting=January 5.)

Mr. Staub asked if there was an issue having the December meeting the following year. Mr. Turner answered no, and noted that it is what normally happens. He also noted that some of the winter months have few or no hearings.

Mr. Freeburn made a motion to schedule the October, November and December meetings as discussed above. Mr. Sirb seconded the motion, and a unanimous vote followed.

## Adjournment

The reorganizational meeting adjourned at 7:07 pm.

Respectfully Submitted,

Michelle Hiner
Recording Secretary

**LOWER PAXTON TOWNSHIP**
**ZONING HEARING BOARD**

Meeting of February 3, 2011

Members in Attendance
Jeffrey Staub, Chairman
Sara Jane Cate, Vice Chairperson
Richard Freeburn
Gregory Sirb

Also in Attendance
Dianne Moran, Planning & Zoning Officer
James Turner, Solicitor

**Docket #1294**

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|---|---|
| Applicant: | Anchor Signs, Inc. |
| Address: | 2200 Discher Avenue, Charleston, SC, 29405 |
| Property: | 5007-5116 Jonestown Road<br>Colonial Commons Shopping Center |
| Interpretation: | Maximum sign area of 60 square feet<br>Applicant proposes 94.53 square feet |
| Grounds: | Article 7, of the Lower Paxton Township Zoning Ordinance pertains to this application. |
| Fees Paid: | December 2, 2010 |
| Property Posted: | January 25, 2011 |
| Advertisement: | Appeared in The Paxton Herald on January 19 & 26, 2011 |

The hearing began at 7:07 pm.

The following were sworn in: Scott Duke, Anchor Signs; and Dianne Moran, Planning & Zoning Officer.

Mr. Freeburn stated it is customary for the Board to enter as exhibits the application and site plans. The applicants had no objection to its doing so.

Mr. Duke stated that his client has a few difficulties with this site. One of which is the location of the store in that it is in the far back corner of the shopping center, so it has no visibility from the road. When you pull into the center, you do not see the sign until you are in the area of Office Max. The hardship is being stuck in the corner with no visibility.

Mr. Duke stated they propose to build a parapet wall, which will give the look of the anchor stores. Right now, the storefront is like all of the other fronts. He noted he believes the anchor stores are allowed 10% of the façade area, and they would like to keep their front

consistent with the other anchor tenants. This would also add a nice front with the parapet wall, and keep it in proportion with the other stores.

Mr. Freeburn asked if the applicant's reading of the ordinance is correct. Ms. Moran stated that allowed wall sign area is based on the square footage of a suite, within a Planned Center. A suite size over 10,000 square feet is permitted to have a sign area of 10% of the vertical wall to which the sign will be attached.

Mr. Duke stated the store is irregularly shaped, in that the front of the store is the smallest wall, and the rear of the store is wider. The parapet wall would add some visibility to the store. Although it is not over 10,000 square feet, the smallest end of the lease space faces the parking lot.

Mr. Freeburn stated the space is 5,533 square feet. Mr. Duke stated that is correct. Mr. Freeburn asked for justification that this tenant is unique or different from the other non-anchor stores. Mr. Duke stated that only anchor stores have a parapet wall. Mr. Freeburn stated the non-anchor tenants are allowed 60 square feet, and this store is a non-anchor tenant, so he asked why this store is different, and why it should be treated differently. Mr. Duke stated the shortest end of the store faces the parking lot. The would love to be an anchor store, but because there are no other lease spaces available they want to build this parapet wall to separate them from the other tenants around the same square footage. That is how they plan to make themselves different than the rest.

Mr. Freeburn stated that non-anchor stores are allowed 60 square feet, and he asked for testimony about this store or space that creates a need for some relief. Mr. Duke stated the need is due to the distance from the road and the lack of visibility. He commented that it could create a slippery slope by allowing something for one store, but it will enhance it with the parapet wall because it will create a high-end look. It would also be an aesthetic improvement.

Ms. Cate asked if they are considered a major tenant. Mr. Duke stated they would love to be one, but there are no spaces available. Ms. Cate stated there is a large space available (former Linens N Things).

Mr. Sirb asked which stores are anchors in Colonial Commons. Ms. Moran stated Dicks, Giant, Ross/Montgomery Wards.

Mr. Sirb stated that this store will never be seen from the road, it just won't happen. He noted however, that if you tell a person you are in Colonial Commons, everyone knows where that is, it is a major destination. Once someone knows you are in Colonial Commons they will have no problem finding the place. He noted that the store is located on the turn in the back, so it is even easier to find, a driver will drive right to it following the in-road.

Mr. Sirb stated that the allowances for wall area are broken down to tenants with up to 5,000 square feet, 5,000 to 10,000 and more than 10,000. This store is on the low end of the

mid-range. The requested sign is awfully big for a store of this size. Mr. Sirb also noted that the other stores will look at this and also want a bigger sign. He noted Colonial Commons is a destination, and this space is a great location within Colonial Commons.

Mr. Staub asked Mr. Turner if the ownership of the center matters, noting that it was recently sold to Cedar Shopping Centers, and the application lists Heritage Colonial Holdings. Mr. Turner stated the application is made by Anchor Signs on behalf of the tenant. Mr. Duke confirmed he has been retained by the tenant not the landlord.

Mr. Duke stated the landlord did approve the proposed sign. He asked if the owner could change the shopping center's sign criteria. Mr. Turner explained that they sign criteria is governed by the Township ordinance. He noted there was an overall variance granted, as well as quite a few variances heard for this center.

Mr. Staub asked if the tenant could ask for a variance and the landlord may not be aware of what is going on. Mr. Turner stated that is an issue for the tenant and landlord, but he noted the tenant usually has a significant interest in the property and can submit the application.

Ms. Cate stated that if someone is going to Lifeway Christian Store, and they know it is in Colonial Commons, they will have no trouble finding it.

Mr. Staub stated that last December the Board heard a variance request for Colonial Commons for Highmark located next to Blockbuster. That store was about the same size as this one. A variance was granted from 32 square feet to just under 60 square feet.

There was no comment from the audience.

Mr. Duke added that this proposal will add a different look to the center.

The Township had no position on the application.

Mr. Staub made a motion to deny the application as submitted. Ms. Cate seconded the motion. A roll call vote followed: Mr. Staub-Aye ; Mr. Sirb-Aye; Ms. Cate-Aye; Mr. Freeburn-Aye.

The hearing ended at 7:24 pm.

Respectfully Submitted,

Michelle Hiner
Recording Secretary