

**LOWER PAXTON TOWNSHIP  
ZONING HEARING BOARD**

Meeting of September 24, 2015

Members Present

Jeff Staub  
Sara Jane Cate  
Greg Sirb  
Allen Hansen  
Watson Fisher

Also in Attendance

James Turner  
Amanda Zerbe

**Special Exception 2015-05**

Applicant: Kimco of Pennsylvania Trust (f/k/a/Kimzay PA Incorporated)

Address: Suite 100, P.O. Box 4020  
333 New Hyde Park Road  
Hyde Park, NY 11042

Property: 5005 Devonshire Road  
Harrisburg, PA 17112

Section 602(f)

The applicant is seeing a Special Exception to reduce the number of required parking spaces. The Shopping Center currently has 740 parking spaces. The applicant is requesting a reduction of 71 spaces from the requirement under the Off-Street Parking Ordinance.

Grounds: Section 602(f)

Fees Paid: August 17, 2015

Property Posted: September 14, 2015

Advertisement: Appeared in The Paxton Herald on September 9, 2015 and September 16, 2015.

The hearing began at 7 p.m.

Mr. Staub noted that it is necessary for the Township to enter a copy of your application and site plan as Township exhibits. He questioned if the applicant had any objection to doing this. Mr. Suhr answered no.

Mr. Staub swore in Amanda Zerbe, Zoning and Planning Officer for Lower Paxton Township.

Mr. Staub questioned if the appropriate fees were paid for this application. Ms. Zerbe answered that the fees were paid on August 17, 2015. Mr. Staub questioned if the proper advertisement was made for this application and have the hearing notices been posted. Ms. Zerbe answered that the application was posted on September 14, 2015, and advertised in The Paxton Herald on September 12, 2015 and August 18, 2015.

Mr. Staub questioned what ordinance pertains to this application. Ms. Zerbe answered that it is Section 602(f). The applicant is seeing a Special Exception to reduce the number of required parking spaces. The Shopping Center currently has 740 parking spaces. The applicant is requesting a reduction of 71 spaces from the requirement under the Off-Street Parking Ordinance.

Mr. Staub swore in Cornelius Brown, Bohler Engineering, 1515 Market Street, Suite 920, Philadelphia, PA 19120; Charles Suhr, Attorney with Stevens and Lee, Harrisburg; and Greg Reed, Kimco Realty Corporation, 1954 Green Spring Drive, Timonium, Maryland, 21093.

Mr. Staub requested Attorney Suhr to proceed with his testimony.

Attorney Charles Suhr noted that he is an attorney with Stevens and Lee in Harrisburg. He explained that he is representing the applicant, Kimco of PA Trust. He noted that Kimco is the owner of the approximate 15-acre tract of land located at the intersection of Devonshire and Parkchester Roads along Jonestown Road. He noted that it land has currently been developed as a shopping center for quite some time. He noted that the current conditions are approximately 164,000 square feet of retail with a primary tenant being Gander Mountain. He noted that approximately 11,200 square feet is a restaurant which is the Old Country Buffet Restaurant. He noted that it is currently zoned CG General Commercial, and both the retail and restaurant uses are permitted in that district. He noted that it is referred to as Lot 1 on some of the plans and exhibits that you will see.

Mr. Suhr noted that Kimco also owns the approximate one-acre tract at the intersection of Devonshire and Jonestown Roads. He noted that it is not involved in this application but he is pointing it out and will discuss it later in his presentation.

Mr. Suhr noted that the proposal that Kimco has will go to a subdivision which is going to increase the size of Lot 2 from approximately one acre to about 71,000 square feet. He noted that there will be a subdivision plan filed for that. He noted that there will be a land development plan that he will also file for the primary shopping center lot as there would be an 3,800 square

foot standalone restaurant which is being proposed with no drive through that would be located along Jonestown Road.

Mr. Suhr noted that we are here in regards to parking on the primary shopping center lot. He noted that he is asking for a special exception for a reduction in the parking as permitted under section 602(f) of the zoning ordinance or the alternative, we have asked for a variance to reduce the amount of required parking spaces for the shopping center.

Mr. Suhr noted that he has two witnesses this evening, the first will be Greg Reed who is the Director of Acquisitions and Development Mid-Atlantic Region for Kimco. He noted that he will introduce the project and talk about the need for redevelopment, why this is going forward, and some of the parking needs.

Mr. Suhr noted that Cornelius Brown who is a professional engineer with Bohler Engineering will go over some of the details in regards to the site plan as well as the parking analysis which we have prepared.

Mr. Suhr distributed an Exhibit Packet that has all the exhibits in it. He noted that some of the exhibits were submitted with the application on full size plan sheet or 8.5 and 11 sheets, but, he suggested that it would be more convenient to go through his packet. He noted that he also has a copy of the plan on the Board for display as well.

Mr. Greg Reed noted that he is the Director of Acquisitions and Development for Kimco Realty for the Mid-Atlantic region. He noted that Kimco is what is called a Real Estate Investment Trust (REIT), a publically traded company with approximately over 1,000 shopping centers across the country. He noted that his territory includes Pennsylvania, New Jersey, Maryland, Delaware and Virginia where he has over 185 shopping centers. He noted that he oversees the day-to-day operations of development, redevelopment, and acquisitions for shopping centers. He noted that it would include building ground up centers or centers such as what we call Harrisburg East Gander Mountain which is an existing center that over time has become tired and somewhat outdated that he wants to redevelopment.

Mr. Suhr questioned Mr. Reed how long he has been with Kimco. Mr. Reed answered nine years.

Mr. Suhr questioned Mr. Reed if he was familiar with the property subject to the application. Mr. Reed answered yes.

Mr. Suhr questioned Mr. Reed if he was familiar with the application. Mr. Reed answered yes.

Mr. Suhr requested Mr. Reed to look at Exhibit 1 and questioned if it looks like the application that was submitted. Mr. Reed answered that it does.

Mr. Suhr questioned if Mr. Reed is familiar with the parking of the tenants and the shopping center in general. Mr. Reed answered yes.

Mr. Suhr requested Mr. Reed to identify Exhibit No. 2. Mr. Reed answered that it is the deed for the property.

Mr. Suhr noted that the title is in the name of Kimzay PA Inc. He requested Mr. Reed to describe what that is. Mr. Reed answered that the way Kimco operates is most of the shopping centers are owned by individual companies or LLC and at the time we acquired it years ago, and since then it was traded and switched to Kimco of PA Trust. Mr. Suhr questioned if that was a corporate transaction. Mr. Reed answered yes. Mr. Suhr noted that the deed of record has not changed. Mr. Reed answered that is correct.

Mr. Suhr noted that the property is along Jonestown and Devonshire Roads, is that correct. Mr. Reed answered yes.

Mr. Suhr requested Mr. Reed to identify Exhibit No. 3. Mr. Reed answered that it is the existing conditions site plan.

Mr. Suhr requested Mr. Reed to identify some of the features that are on the plan starting by identifying the streets that are at the bottom, left and top. Mr. Reed noted that the bottom of the site is Devonshire Road, the main frontage of the road is on Jonestown Road which runs on the left side of the sheet on the left side, with the top of the page bordering Parkchester Road. He noted that a year and a half ago, we had the opportunity to acquire the vacant parcel on the western corner to bring it into our shopping center.

Mr. Suhr noted that he is identifying the main shopping center is like a squat T coming from Jonestown Road going back. Mr. Reed answered yes.

Mr. Suhr noted that we have the main three tenants identified on the right side. Mr. Reed answered that is correct. Mr. Suhr requested Mr. Reed to identify what is at the top, noting that at the top is Value City Furniture... Mr. Reed stated that there is a vacancy and half of it is currently on a short-term lease with the Halloween Store which is operating now until it closes in mid-November as it is only seasonal. He noted that Gander Mountain is the main anchor for the center. Mr. Suhr noted over towards Jonestown Road there is a square building that is an existing restaurant, what is that. Mr. Reed answered that it is the Old Country Buffet.

Mr. Suhr noted that Mr. Reed mentioned that Kimco has acquired a property at the intersection of Devonshire and Jonestown Roads, is that correct. Mr. Reed answered yes. Mr. Suhr noted that is what we have identified as Lot 2, in the application, is that correct. Mr. Reed answered yes.

Mr. Suhr questioned what the general condition of the property is economically, is it a viable center at this time. Mr. Reed answered that the middle tenant, which is the Halloween Store has been vacant for several years. He noted that Gander Mountain is a struggling retailer.

He noted that the store is not very well merchandised. He noted if you compare them to their competition such as Cabela's, they are nowhere near what a Cabela's would be. He noted when you drive by this center all you really see is a sea of parking lot. He noted for the tenant mix that we have, there are never a lot of cars parked in the parking lot and it looks outdated and old. He noted that Value City has been updated slightly but the rest of the center needs renovation and rebuilt.

Mr. Suhr requested Mr. Reed to identify what Exhibit No. 4 shows. Mr. Reed noted that it would be the proposed site plan that we would be developing to.

Mr. Suhr noted as he mentioned before, we have two things going on here, the first has to do with Lot 2. He requested Mr. Reed to explain what is going on there. Mr. Reed answered that the purpose for buying the lot at the corner was to be able to put a new tenant on the corner. He explained that he has a deal in place with CVS Pharmacy to add a store on the corner, but it needs more space than the one acre lot so his proposal is to do a subdivision to increase the size of the lot. He noted that it is a multi-stage redevelopment. He noted that his goal would be in three different stages. He noted that the first stage would be to do the CVS and to do that he needs a subdivision to create their lot which affects his center, needing a parking variance. He noted while we are doing the CVS he thinks that there is a great opportunity for a restaurant in the front of the driveway to the left, a small sit down restaurant with no drive through, but next to the main entrance. He suggested that it would draw new attention to the front of the center to attract new customers and bring in some needed development along the front. He noted that it gives him an opportunity to look at the balance of the center which is labeled A, B, and C. He noted that the B space needs a facelift, as it is dated architecture and old and is very hard to attract a national name tenant that we could be proud of with that sort of façade architecture. He noted once we get more people to the center it gives him the opportunity to redo the architecture of B and do something more inviting to be able to develop that portion of the center.

Mr. Suhr noted that the restaurant is the focus and main generator for the parking because beyond the parking places that it will take it will also generate parking. He noted that we will get to the parking with Mr. Brown but you state that you believe that it is a good site for a standalone restaurant. Mr. Reed answered yes. Mr. Suhr noted that it would not have a drive through. Mr. Reed answered yes.

Mr. Reed noted that we do not want parking jammed up for the facility. Mr. Suhr questioned Mr. Reed if based on what he has seen, did he believe that there would be adequate parking needs for the center as we would have shared parking undertaken for the various uses. Mr. Reed answered yes.

Mr. Suhr noted that Mr. Reed touched on some of the redevelopment needs of why it is important to do that, is there anything else you want to say regarding the need to redevelop the existing center and the need to spruce it up to keep it viable. Mr. Reed answered a vacancy is not good for him as a company and it is not good for the Township so if we are able to do redevelopment and bring in new tenants it makes the center stronger, it increases the tax base and will invite other tenants to his center and surrounding centers will also invest.

Mr. Suhr noted that he would interview Cornelius Brown at this time. He asked him to introduce himself. Cornelius Brown stated that he is with Bohler Engineering.

Mr. Suhr questioned Mr. Brown what he does at Bohler Engineering. Mr. Brown answered that he is the project manager for the property.

Mr. Suhr questioned what Bohler Engineering is. Mr. Brown answered that it is multi-disciplined Civil Engineering firm with 22 offices along the East Coast.

Mr. Suhr questioned what a project manager does. Mr. Brown answered that he is responsible for all aspects of design development including design and permitting.

Mr. Suhr questioned Mr. Brown if he was a professional engineer in Pennsylvania. Mr. Brown answered yes. Mr. Suhr noted that he will be using Mr. Brown as an expert engineer.

Mr. Suhr questioned Mr. Brown if he was familiar with the application and site for the surrounding area. Mr. Brown answered yes.

Mr. Suhr questioned if Mr. Brown was familiar with the zoning application that was filed. Mr. Brown answered yes.

Mr. Suhr questioned if Mr. Brown was familiar with the Lower Paxton Township Ordinance, specifically the parking standards that are required. Mr. Brown answered yes.

Mr. Suhr questioned if Mr. Brown is familiar with the needs of Kimco at the site as reflected by the testimony of Mr. Reed. Mr. Brown answered yes.

Mr. Suhr requested Mr. Brown to go to exhibit No. 3 and questioned if this is the existing conditions site plan. Mr. Brown answered that is correct.

Mr. Suhr questioned if this was prepared by Mr. Brown and accurately reflect the current conditions on the property. Mr. Brown answered yes.

Mr. Suhr noted that there is lighter hashing along Jonestown Road near the entrance to Lot 2, what does that represent. Mr. Brown answered the existing site conditions as a whole was described earlier by Mr. Reed in testimony but the area in question corresponds to existing parking or striped areas that are proposed to be reconfigured as part of this development. Mr. Suhr questioned if it shows the parking that will be lost. Mr. Brown answered yes.

Mr. Suhr noted that Exhibit No. 4 is the proposed condition, is that correct. Mr. Brown answered yes.

Mr. Suhr questioned if Exhibit No. 4 was prepared by Mr. Brown. Mr. Brown answered yes.

Mr. Suhr noted that we have two main things going on, the addition of Lot 2 and the addition of the proposed restaurant. Mr. Brown answered that was correct.

Mr. Suhr noted on the right side we have the general notice which are a little hard to read but it basically lists the ownership information and basic zoning data, is that correct. Mr. Brown answered yes.

Mr. Suhr noted for the parking is the site as proposed for Lot 1 in conformity with the zoning regulation. Mr. Brown answered yes.

Mr. Suhr explained that he prepared Exhibit No. 5, as he photocopied a portion of the full plan size sheet of the parking table shown on Exhibit No. 4. Mr. Brown answered that they are the same thing.

Mr. Suhr requested Mr. Brown to walk through his parking analysis the he did at the direction of the center. He questioned what the key numbers represent. Mr. Brown answered that the letters are a way of identifying the various uses as described in the plan.

Mr. Suhr noted that the tenants are listed in the next column. Mr. Brown answered that was correct.

Mr. Suhr questioned what the next column to the right is. Mr. Brown answered that it is the type of use that is utilized to determine the applicable parking. Mr. Suhr noted that it lists retail sales and restaurants. Mr. Brown answered that was correct.

Mr. Suhr noted that next is the leasable square foot area. Mr. Brown noted that is correct and it corresponds to the overall square footage of the various spaces. Mr. Suhr noted that the total is listed as 179,742 square feet, correct. Mr. Brown answered that is correct.

Mr. Suhr noted that we have the customer floor area in square feet, what is that. Mr. Brown explained that it the area specifically devoted to customer use. Mr. Suhr questioned why that number is relevant. Mr. Brown answered that number is utilized to calculate the required amount of parking. Mr. Suhr questioned how Mr. Brown came up with those numbers. Mr. Brown answered that he obtained this information from Kimco as part of their leasing data.

Mr. Suhr noted that the next column is seats and employees. Mr. Brown noted that the seats column corresponds to the number of seats associated with the existing restaurant and proposed restaurant and the same holds true with the employee count. Mr. Suhr questioned how those numbers were obtained. Mr. Brown answered that it was confirmed with Kimco, the owner.

Mr. Suhr noted that there is a formula column next. He requested Mr. Brown to explain it. Mr. Brown answered that the formula are the applicable parking calculations as described in the code. Mr. Suhr noted the next column is the results of those calculations. Mr. Brown answered that is correct.

Mr. Suhr noted that Gander Mountain requires 357 parking spaces. Mr. Brown answered that is correct.

Mr. Suhr questioned how many total spaces are required currently under the ordinances. Mr. Brown answered, based upon those calculations the ordinance requirement is 782 parking spaces. Mr. Suhr questioned how many parking spaces are currently on site. Mr. Brown answered 740 existing parking spaces. Mr. Suhr noted that it is currently non-conforming. Mr. Brown answered that is correct.

Mr. Suhr noted that the next column is the proposed spaces required, and he questioned what it signifies. Mr. Brown answered the column corresponds to the number of parking spaces that are required as part of the redevelopment project. Mr. Suhr noted that we have added 96 parking spaces. Mr. Brown answered that is correct. Mr. Suhr noted that it represents the parking spaces required for the proposed restaurant. Mr. Brown answered yes.

Mr. Suhr questioned what the net results of those calculations are. Mr. Brown answered that based upon those calculations there are 878 parking spaces required and 719 proposed.

Mr. Suhr noted, as it is stated in the last column, they were fields verified as well as getting information from the ownership. Mr. Brown answered that is correct.

Mr. Suhr questioned what is the reduction in parking space from the existing to the proposed. Mr. Brown answered that 21 parking spaces were lost as part of the development project. Mr. Suhr noted that it went from 740 to 719. Mr. Brown answered yes.

Mr. Suhr requested Mr. Brown to identify what Exhibit No. 6 is. Mr. Brown explained that it is a parking study that was performed by McMahan Transportation Engineers and Planners.

Mr. Suhr questioned if McMahan was retained by both yourself and Greg Reed to do the work. Mr. Brown answered yes.

Mr. Suhr questioned if you look at the back page, it was done by Christopher J. Williams, is that correct. Mr. Brown answered yes. Mr. Suhr questioned if Mr. Williams was available to attend this hearing tonight. Mr. Brown answered he was not.

Mr. Suhr questioned if Mr. Brown had an opportunity to speak with Mr. Williams and to review the study prior to this evening. Mr. Brown answered yes.

Mr. Suhr questioned when Mr. Brown goes over engineering studies, or if you offer expert testimony, is it customary for you to rely on other people's studies in expressing your opinions. Mr. Brown answered yes.

Mr. Suhr noted that we will go through the two-page parking study that also has some graphs. He requested Mr. Brown to identify what is going on in Figure One. Mr. Brown

answered that Figure One identifies and highlights the area that was used for this study. Mr. Suhr noted that it includes the area to the north east side of the property. Mr. Brown answered that is correct.

Mr. Suhr questioned why the study was limited just to that area. Mr. Brown answered that it was limited to that area using a conservative approach given the fact that the bounds of the property has a significant amount of vacancies and we did not want the study for the findings to be skewed by those results. Mr. Suhr noted that it also takes in the area of the two high generating parking areas. Mr. Brown answered yes.

Mr. Suhr questioned if this would be the area that would have a potential for conflict in parking. Mr. Brown answered yes.

Mr. Suhr noted that this is the area where there is a great need for shared parking between uses. Mr. Brown answered yes.

Mr. Suhr noted going back to the beginning of Exhibit No. 6 it appears that the study was done on two different days. Mr. Brown answered that is correct. Mr. Suhr questioned why you would look at two different days to do a study. Mr. Brown answered that it is typical to look at peak times and those time frames during the week and also the weekend.

Mr. Suhr questioned what happened during this time period as we have from 10:00 AM to 9:30 PM on Thursday, September 17, 2015 and the same times on Saturday, September 19, 2015. He questioned what physically happened during those times. Mr. Brown answered during those time frames the parking area was observed to identify how much of the parking was being utilized. Mr. Suhr questioned if someone actually sat there and counted cars. Mr. Brown answered yes.

Mr. Suhr noted if we move to Table No. 1, he requested Mr. Brown to identify what it is. Mr. Brown answered that it is a table that identifies the parking supply. Mr. Suhr questioned if it is signified by the red line. Mr. Brown answered that was correct. Mr. Suhr questioned what the blue bars are. Mr. Brown noted that the lower level corresponds to the number of cars that were observed throughout the day.

Mr. Suhr noted that we have 329 spaces and out of that what happened. Mr. Brown answered that 329 parking spaces are available and the area that was observed throughout the day and the numbers that we see at the bottom of the chart correspond to the number of cars that were observed in the parking area during the times in question. Mr. Suhr questioned what the maximum number of cars in the area was. Mr. Brown answered 50. Mr. Suhr questioned when that was. Mr. Brown answer at 12 noon. Mr. Brown questioned if that is reflecting what is going on at the restaurant. Mr. Brown answered yes.

Mr. Suhr requested Mr. Brown to explain Table No. 2. Mr. Brown answered that it is a similar graph with these being the observations for the weekend. He noted that the parking supply is noted at the top of the page and the number of cars parked can be found at the bottom

of the page that are parked at the various times of the day. He noted that the maximum was 76 which was at 5:30 PM. Mr. Suhr noted that dinner time on Saturday corresponds to the highest parking time. Mr. Brown answered that was correct.

Mr. Suhr noted Figure No. 2 is the proposed site plan. Mr. Brown noted that this shows the same area with the proposed site improvements that include the proposed restaurant and the reconfiguration of the parking area along with additional parking that was added to the northeast along Parkchester Road.

Mr. Suhr noted if we look at Table No. 3, the parking study, he questioned what that shows. Mr. Brown answered that it shows the parking demand that was addressed earlier along with the required parking spaces as calculated per the Township Ordinance. Mr. Suhr noted that we have 96 parking spaces which are required for the new restaurant. Mr. Brown answered that is correct. Mr. Suhr noted that the number is shown on Exhibit No. 5. Mr. Brown answered that is correct. Mr. Suhr noted that it is 96 parking spaces. Mr. Brown answered that is correct.

Mr. Suhr noted Table No. 3 shows if the restaurant has full capacity for the date and time, what the parking requirement would be. Mr. Brown answered yes. Mr. Suhr questioned what the maximum parking for the weekday is. Mr. Brown answered that it is 146 cars. Mr. Suhr noted that the red line is at 309, is that different from what was shown in Table No. 2. Mr. Brown answered yes. Mr. Suhr questioned what the difference is. Mr. Brown answered that it is the difference in 20 parking spaces which was the same difference that was addressed earlier with the parking stalls that are lost as part of the project.

Mr. Suhr noted that we have less parking which is a variance request and the increased parking for the restaurant. Mr. Brown answered yes.

Mr. Suhr requested Mr. Brown to explain Table No. 4. Mr. Brown answered that it is similar to the prior one as it looks at the parking demand along with the 96 parking spaces that are required for the restaurant. He noted that the peak demand is 172 at 5:30 PM. Mr. Suhr noted that we have 309 parking spaces available and he questioned what the difference between 309 and 172 is. Mr. Brown answered that it is 137 parking spaces. Mr. Suhr noted at the peak demand theoretically, if the restaurant had full capacity we have 137 parking space left over in that portion of the parking lot. Mr. Brown answered that is correct.

Mr. Suhr questioned of Mr. Brown anticipated that the people who would be at the Country Buffet or the newly proposed restaurant would be parking on the other side of the parking lot. Mr. Brown answered no, noting that they would park in the area that is in close proximity to the newly proposed use.

Mr. Suhr questioned Mr. Brown, based upon the information and study, if he had an opinion in regards to the adequacy for parking shown on the proposed condition plan. Mr. Brown answered that it is McMahon's opinion and he agrees that it is more than adequate and sufficient parking existing's in the eastern parking field to serve the proposed restaurant along with the existing uses.

Mr. Suhr noted that Mr. Reed testified that the middle unit strip is currently vacant, is that correct. Mr. Brown answered yes. Mr. Suhr noted that it is not generating parking at this time. He questioned what the square footage for that unit is. Mr. Brown answered that it is 32,056 square feet.

Mr. Suhr noted that Exhibit No. 5 shows the vacancy and it appears to be generating how many parking spaces. Mr. Brown answered that it is 137 parking spaces.

Mr. Suhr noted that Mr. Brown testified that the spaces left over ended up being 137 parking spaces. Mr. Brown answered that was correct.

Mr. Suhr questioned if all of the people who are going to the vacant unit happened to go to the study area would there be adequate parking under most conditions. Mr. Brown answered yes. Mr. Suhr noted that it would be completely full. Mr. Brown answered that it would have adequate capacity.

Mr. Suhr questioned if it was likely that some of those people might park in the other area. Mr. Brown answered yes.

Mr. Suhr questioned what Mr. Brown's opinion was given the demand for the vacancy regarding capacity for parking within the center both within the study area as well as the rest of the lot. Mr. Brown answered that it is his opinion that more than enough capacity exists for the overall property.

Mr. Suhr questioned Mr. Brown if he believed that there would be a parking conflict between any of the uses which are sharing the parking area. Mr. Brown answered that he did not believe there would be a conflict.

Mr. Suhr noted that is all the testimony he has at this time. He noted that he would take questions at this time.

Ms. Cate questioned what kind of restaurant is proposed to go in. Mr. Reed answered that he does not have a tenant yet but part of their company policy is that it does not release tenant's names until it has an executed lease so he is in discussions with several vendors.

Mr. Suhr questioned why type of restaurant would it be. Mr. Reed answered that it would be something like an Applebee's or Friday's. He noted that it is called quick-casual.

Mr. Hansen questioned if he would work with someone who would fit into the square footage as outline it the proposed plan. Mr. Reed answered yes. Mr. Hansen questioned if the vendors know that. Mr. Reed answered yes.

Mr. Hansen questioned if you own Lot No. 2 along Route 22 and Devonshire Road. Mr. Reed answered that they own that. Mr. Hansen noted that you mentioned CVS, is that is where it is proposed. Mr. Reed answered yes. Mr. Hansen questioned how large a building it would be.

Mr. Reed answered that the CVS is typically about 13,000 square feet and this lease requires CVS to self-park on the lot that he is proposing. He noted that they have to meet the parking code for their lot.

Mr. Hansen noted that the location between Value City and Gander Mountain, do you have any tenants for that yet, and how many parking spaces it would need. Mr. Reed answered that he took the national average, the square footage of the building, suggesting that it would be soft goods, clothing, something like a TJ Max, Marshalls, and Ross, and he looked at their footprint to determine what customer area they have. He noted that he would tell the tenant moving in that they are permitted the customer area shown on the chart. He noted that he used an extra conservative number, a 30,000 square foot space, they would have less customer area than what they are proposing, noting that they are conservative in their numbers.

Mr. Sirb noted that currently the lot is non-conforming use. Ms. Zerbe answered yes.

Mr. Sirb noted that you would bump up the number with the new restaurant, the requirement would be 878. He noted that it does not include the CVS. Mr. Suhr answered that is correct. Mr. Sirb noted that the CVS is the out-lying lot, we are not talking about that at this time. Mr. Suhr answered that is correct. Mr. Reed noted that it will come in with a separate land development plan just as the restaurant will have one. He noted when CVS does their land development their lot will park itself. Mr. Sirb requested him to explain that. Mr. Reed answered whatever the code is, noting that they have a 13,000 square foot building, if they are required five parking spaces per 1,000 for the customer area, and it is 11,000 square feet it would be 55 parking spaces. He noted that they would be required to have a minimum of 55 parking spaces on their lot. Mr. Suhr explained that CVS will not be coming back to the Zoning Hearing Board asking for a variance to get parking on Lot 1. He noted that it would mess up the entire plan.

Mr. Sirb noted with the proposed restaurant the special exception would be for 159 parking spaces less than what is required. Mr. Suhr answered that it is correct as it is a reduction of 20. Mr. Reed noted that it is just in that area. He noted that overall there is a reduction of 21 parking spaces on the entire shopping center as it sits today because of the configuration of the restaurant and taking some of the existing parking and putting it in the CVS lot. He noted that the existing corner lot is about an acre and he is going to increase it to 71,000 square feet which is one and three quarter acre. He noted if you look at Exhibit No. 3, the new lot will change, taking some of the parking from the current main field. He noted that the building of the new restaurant will also take some of the exiting parking. He noted today, there is a sea of pavement at the top of the plan that has nothing so he has striped that area to pick up additional spacing for use of employee parking for Value City Furniture and for Old Country Buffet. He noted that it would leave the main field open to the three users that will be suing it.

Mr. Sirb noted that he is not against it, but you are 159 less than required in parking spaces, not including CVS. He noted if you guys do well, there could be issues. He noted that Jonestown Road is enormously popular, one of the busiest roads in the entire district. He noted that we don't want to have traffic backing up or people backing in there at a peak area. Mr. Sirb questioned if they were comfortable with 159 parking spaces less than required and with the

CVS and the new restaurant, that you will have enough parking. Mr. Reed answered yes. He noted if you look at it today, no one parks in the outer field area. Mr. Sirb agreed.

Mr. Reed noted if you look, there is no one parked in the area of the proposed restaurant. He noted even on a Saturday or Sunday evening, for Country Buffet their parking is limited to another area. He noted that the furniture store generates a requirement of five per thousand, but if you look at the number of parking spaces that are required by that store, it is 97, it would be their greatest sale day. He noted that it is not a practical number for a furniture store. He noted there is always a sea of parking available. He noted that based on the configuration and type of users that we have, it would be more than adequate. He noted that many times at his sites, we are driving parking numbers way down into the three or four parking spaces per thousand square feet, in order to reduce pavement which allows better stormwater management treatment systems. He suggested that it is somewhat outdated to have the massive parking lots.

Mr. Sirb noted that Gander Mountain would be a 9 a.m. to 9 p.m. store, and Value City would be similar in its operational hours, so if you bring in a restaurant which would be open until midnight, it would help that those two stores would be closed late at night. Mr. Reed suggested that the entire main body would be closed, noting that any retailer would operate with roughly the same hours 9 a.m. to 9 p.m. or 10 a.m. to 9 p.m. He noted that the current Halloween store operates under the same times as Gander Mountain.

Mr. Suhr noted if you look at the existing parking study for what Old Country Buffet has generated, by the time you get to 7:30 p.m. there are using 41 parking spaces used and by 9 p.m. it is basically closed. He noted that the required parking for Old Country Buffet is 191 spaces. He noted that they don't come anywhere near that. He suggested that the ordinance is a little bit over parked but the Zoning Hearing Board is stuck with what the Board of Supervisors has determined.

Mr. Sirb noted that the general rule for restaurants like an Applebee's or Friday's is their most popular time is the 7 p.m. to 10 p.m. time-frame. He noted that is their high time, and Old Country Buffet's high time is from 5 p.m. to 7 p.m. He noted that the other retainers would not be seeing a high parking time during the 7 p.m. to 10 p.m. time. Mr. Brown agreed.

Mr. Hansen questioned if you would be getting rid of the billboard, not the sign out front, the free standing billboard on Lot 2. Mr. Reed answered yes. Mr. Turner noted that it was a condition of a variance from 20 years ago that the lease on the billboard not be extended and renewed. Mr. Reed answered that it will come down with the CVS Application.

Mr. Staub noted that you are thinking of an Applebee's or TGIF Friday's... Mr. Reed noted that it is called quick casual dining where you go in and sit down but it is not someplace that you stay for hours. He noted more like a Chipotle that are generating the same type of service, they don't have waiter service which others do but that is the sort of style that he is looking at.

Mr. Staub questioned if Mr. Reed is comfortable with the number of seats and the number of employees in that square footage. Mr. Reed noted that he took typical footprints for several restaurant users in that size and counted the number of seats they had for the number of customers and employees, and took the maximum number. He noted that he used a conservative number for the plan.

Mr. Staub noted that it seems to him in that square footage, that there would be more seats than what he would envision and fewer employees than he would envision. Mr. Turner noted that it would be resolved in the land development process. He noted that we could condition the variance that the restaurant would not have requirements for more than what is said to be required. Mr. Reed answered yes, noting if he exceeded the number of seats that he would have to come back to the Zoning Hearing Board to say he was incorrect. He noted that is why he tries to be very conservative in the numbers that he used to make it so that we would be okay with whatever tenant we use.

Mr. Staub questioned if the added parking that is shown on the east side of Value City and behind space D, if he had the ability to ask the tenants to have their employee's park in those areas. Mr. Reed answered yes.

Mr. Staub questioned what sort of user you anticipate the space to be. Mr. Reed suggested that it would be clothing retail.

Mr. Staub noted that he has lived in the Township since 1971, when the Hills store was at that location, the parking lot was never full, and in the last ten years, even when the pet store was there, parking was never an issue and he does not have a problem with that. He noted that his concern is if Mr. Reed can reassure him and the Board that the future tenant mix will be such that you will not have a greater need for parking spaces than will be available. Mr. Reed answered if you go to a shopping center and you can't get in and out or find a parking space, you don't go back. He noted that is how consumers operate. He noted if there is a parking issue in the future, he is very cautious about this because the more his tenants succeed, the better our shopping centers look, and the more they are worth. He noted that he is careful about the tenant mix and we don't propose parking that doesn't work. He noted that he will not do a center that has 200 spaces behind it to make up the main parking as it is useless and not utilized. He noted the 30 or 40 parking spaces along the side of the back are about the right number for employees or customer pick up from the Value City Furniture store that you ride around back. He noted that he is careful about that because if you can't find a parking space you will go somewhere else and there are a lot of other choices in this area.

Mr. Turner questioned Ms. Zerbe if they were to significantly change a use, turning some of the retail space into more restaurants would it require a zoning permit. Ms. Zerbe answered yes. Mr. Turner questioned if a new calculation for parking would be required would they have to meet or come back in for a variance. Ms. Zerbe answered yes.

Mr. Sirb noted that he would rather that they not come back in as they are already down 159 parking spaces. He noted that he is giving them the benefit of the doubt because of the

difference of hours and that it has been so underutilized for so many years, he suggested that we could give this a shot at this point. He noted that Mr. Turner brings up a valid point and we will not say that you could have 250 less parking spaces.

Mr. Suhr noted that he has another client further down the road that we have worked with Ms. Zerbe on parking needs on a larger center, and how it operates with the tenants changing. He noted that we have worked out some good spreadsheets to monitor it and staff is very good at that. He noted that his clients work with the Township for those types of things. He noted that we have the spreadsheet to show the amount and as the mix comes up he would expect Kimco to come in and talk to the Zoning Officer before they do anything. He noted that they need to explain what they are proposing to do and Ms. Zerbe may tell them that it will not work and explain why. He noted that we will see more and more of that with the existing centers as the consumers shopping experience changes with parking regulations being static; you will need economic redevelopment providing for some give and take. He noted as long as the information is provided between the developer and staff to monitor it, then things work. He noted that he is committed to doing that as well as his client.

Mr. Hansen noted that the only area that he would have an issue with doing retail or some portion of it is the six week period of time between Thanksgiving and Christmas when everyone is shopping 24/7. Then he would be concerned about the parking spaces and the congestion that he is talking about.

Mr. Staub questioned if this application went before the Planning Commission. He questioned if there is a requirement for Special Exceptions to go before the Planning Commission. Ms. Zerbe answered it does not have to so it did not go before the Planning Commission.

Mr. Staub questioned if anyone in the audience wished to say anything. No response was provided.

Mr. Staub questioned if the Board had any additional comments or questions. No response was provided.

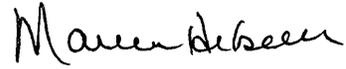
Mr. Staub noted that the Board has 45 days to make a decision. He questioned if the Board wished to take action this evening on Special Exception 15-05.

Mr. Sirb made a motion to approve Special Exception 15-05 as submitted. Ms. Cate seconded the motion. Mr. Sirb questioned if the sign has to come down as part of the old ordinance. Mr. Turner answered that the prior variance stated that the sign must be removed. Mr. Sirb noted that he will trust that the applicant will remove the billboard sign. Mr. Reed answered that it will be removed with the CVS application.

Mr. Staub requested Mr. Turner to conduct a roll call vote: Mr. Fisher, aye; Mr. Hansen, aye; Mr. Sirb, aye; Mrs. Cate, aye; and Mr. Staub, aye. Mr. Staub noted that the application was approved.

The hearing ended at 7:57 p.m.

Respectfully submitted,



Maureen Heberle  
Recording Secretary