

AUGUST 16, 2006

WAYNESBORO, PA 17268

PUBLIC HEARING RE: CONTINUED PUBLIC
HEARING RE: RE-ZONING REQUEST FOR 405

N. GRANT STREET

Council President Richard George called the public hearing to order at 7:37 p.m. with the following in attendance:

Borough Council Members – Jason Stains, Richard George, Charles McCammon, Allen Berry, Allen Porter and Craig Newcomer

Mayor Richard Starliper

Borough Staff – Lloyd R. Hamberger, II, Borough Manager
Denny Benshoff, Maintenance Superintendent
Kevin Grubbs, Head of Engineering Services
Ray Shultz, Police Chief
Dan Sheffler, Zoning-Code Enforcement Officer
Ron Flegel, Fire Chief
Melissa Dively, Borough Solicitor (Salzmann Hughes, PC)

He stated that the purpose of the hearing was to continue discussion on the proposed re-zoning of 405 N. Grant Street. Proposed Ordinance No. 1048 would amend the official zoning map of the Borough of Waynesboro as provided in Ordinance No. 937 by changing the zoning of a certain area from Medium Density Residential, RM, to General Commercial/Office, GC, with regard to the property at 405 N. Grant Street, Waynesboro.

The hearing was duly advertised in *The Record Herald* on August 1, 2006.

Those wishing to comment for the record were asked to rise while President George administered the oath.

Kevin Grubbs gave testimony regarding advertisements, notices posted, etc., as follows:

- Ordinance advertised in *The Record Herald* on 08/01/06
- Notice posted on all four (4) sides of property, as well as property adjacent and surrounding area of proposed re-zoning, on 08/04/06

Attorney Don Kornfield distributed a packet of informational materials to Borough Council and Solicitor Melissa Dively to follow along with during his presentation. As Mr. Kornfield had not taken the oath previously, the oath was administered to him by Mr. George.

Upon questioning by Mr. Kornfield, Ronald Martin, 66 State Road, testified to the following:

- At the time the Petition for Re-zoning was filed on April 25, 2006, the property in question (405 N. Grant Street) was under contract for purchase by him
- The property was purchased on May 15, 2006, as shown on the Deed
- His intention was to convert the property from a failed convenience store to a credit union

Mr. Kornfield added that a Land Development Plan was prepared by All-Land Services, Inc. on April 14, 2006; and modifications to that plan were made on May 30, 2006 and June 15, 2006 to provide for a financial institution with a drive-thru facility. A petition to abandon the alley to the rear of the property, as well as an opened portion of Grandview Avenue, is currently pending. Should these abandonments be granted, the alley to the rear would be divided between the Borough and Mr. Martin's property, and the unopened portion of Grandview Avenue to the north would be divided between Mr. Martin's property and Waynesboro Design Services.

Mr. Martin testified further:

- Regarding past uses for the property, he recalled its use as an ice cream shop, Hattie Harris convenience store, Blue Chip convenience store, and Zachs convenience store (who then sold it to another group who operated it as a convenience store, but then deeded the property to the bank in lieu of foreclosure). He confirmed that the property has been used as a commercial site since the late 1950's or early 1960's.

The following documents were referenced:

- Official Zoning Map of the Borough of Waynesboro, as revised on May 20, 2005, showing the area as RM
- Plan for Hattie Harris Enterprises dated 03/11/1974
- Borough of Waynesboro's Official Zoning Map dated 12/07/1977, showing the area as GC
- Revisions to Waynesboro Zoning Map dated 10/27/1988, showing the area as GC

Information was also provided on adjoining properties:

- Neighboring property to the north in Washington Township (Waynesboro Design) is in their commercial zone
- Property to the east/northeast (Northside Pool) is located in an RM zone, but is a commercial use as indicated on Pages 35 and 35 of the Waynesboro Zoning Ordinance regarding General Commercial/Office District
- Property to the south (Deross) is only residential use in surrounding area north of Brown Street
- To points in surrounding area to north and northwest in Washington Township, there are other commercial uses (Grant Street Express, Inc. convenience store and National Guard Armory)

Mr. Kornfield referenced correspondence dated August 10, 2006 from Sherri Clayton, Senior Planner at the Franklin County Planning Commission, in which they re-evaluated their original decision that the request for re-zoning at the property in question was considered "spot-zoning". They have concluded that "it would be logical to grant the re-zoning request and classify the property as commercial based on the following factors: (1) The location of the property; (2) the history of prior use as a commercial enterprise; (3) the prior commercial zoning of the property; and (4) the existence of a commercial zone directly adjacent to the property in the neighboring municipality of Washington Township".

Mr. Kornfield noted that the potential tenant for the property is Frick Federal Credit Union, and their representatives were present at this hearing to offer their comments.

Mark Bard, representing All-Land Services, Inc. of Chambersburg, PA. Mr. Bard noted that prior to the Planning Commission's meeting on Monday evening, they had expressed two (2) concerns regarding the proposal – regarding width of the buffer strip and easy flow of traffic around the bank. The Borough's regulations regarding buffer strips were reviewed and referenced. He added that the ordinance provides for use of an opaque fence when a natural buffer strip is considered to be

impracticable or inappropriate, and may be substituted in whole or in part for a natural buffer strip. He added that the traffic lanes provided will be 20' wide. In addition, Mr. Bard noted that Stephen Monn's motion to recommend against approval of the re-zoning was out of concern for any possible "cascading or Domino effect" down Grant Street.

D. Todd Kennedy, representing Frick Federal Credit Union. Mr. Kennedy serves on the long-range planning committee for FFCU. He noted that they currently operate out of a leased facility at C. V. Avenue and King Street. They approached Ronnie Martin several months ago about the possibility of utilizing this site, as they would like to offer modern amenities (like a drive-thru window and ATM facility) to their employees as well as residents of the west end of Waynesboro; and these services would not be possible at their current location. They would prefer a site close to their company, and one which is still located within the Borough. He added that they are a small credit and don't have a lot of equity to invest, and this site is ideal because of the possibility to remodel an existing building.

Council President Richard George asked how many members are enrolled at the FFCU. Mr. Kennedy estimated 1700-1800.

Mr. George asked what percentage of their business is done via electronics. Mr. Kennedy noted that Frick encourages its employees to use direct deposit (and it is required of non-union personnel). However, a large portion of their union employees still utilize the credit union's services on a weekly basis – in fact, approximately 40%.

Mr. George questioned, if the facility should become a reality at this location, what would the hours be? Mr. Kennedy noted that the hours will be similar to those at their present location: Monday, Wednesday and Thursday – 9:00 a.m. to 5:30 or 6:00 p.m.; Tuesday – 7:00 a.m. to 5:30 or 6:00 p.m.; and Friday – 7:00 a.m. to 7:00 p.m. There are currently no hours of operation on the weekend; however, if necessary, they may offer short hours of operation on Saturday morning at the new location.

Mayor Starliper asked for an estimate on the number of members to visit the location on a daily basis. Mr. Kennedy stated he doesn't feel that there would be a real difference in the traffic flow from the former convenience store.

Councilman Stains questioned how many sites FFCU is considering. Mr. Kennedy responded that they are only seriously considering this site because of the location and the ability to remodel an existing building.

Don Kornfield noted that Solicitor Melissa Dively has worked with his office and is in agreement that this would not be considered "spot zoning" because of the adjacent properties and the fact that this property has been used for commercial activities for several generations. The only residential neighbor is a single home between the property in question and Brown Street. Mr. Kornfield suggested that the concern expressed by Stephen Monn regarding a resultant "domino effect" is unlikely because Brown Street is a natural barrier that would prevent such an effect.

President George asked for questions from Council.

Councilman Newcomer strongly noted his disagreement with the statement that Northside Pool is a commercial use, as he feels that it could be considered a residential use. Councilman Porter reminded Council that a similar situation existed several years ago when a proposal was made to establish a football field at Wayne Gardens. Because the proposed facility included a refreshment stand, it would have been considered a commercial activity. Accordingly, Northside Pool (to some degree) would also be considered a commercial activity.

Carl Burns, 144 Brown Street. Mr. Burns noted that his main concern for the neighborhood is traffic flow. A recent traffic study indicated that 2,000 vehicles per day travel past 405 N. Grant Street at average speeds of 40-46 mph (the posted speed limit is 25 mph). He is concerned that the proposed use at this location will increase those numbers considerably. In addition, he questioned the locations for entrance and exit points at the facility, as well as the proposed drive-thru and ATM machine.

Ronnie Martin explained that the entrance and exit driveways would remain the same – the proposed drive-thru lanes would exit on the north side of the building, and the ATM would be located either in front of the building or in the first drive-thru lane.

Mr. Burns added his concern about potential uses (and traffic flow) for the property if the credit union does not come to fruition. Mr. Martin and Mr. Kornfield stated that the property can be used commercially even if it is zoned RM, because a non-conforming use can be abandoned (but started up again) within one year.

Brenda Lucas, 312 N. Grant Street. Ms. Lucas noted her objections to the proposed zoning change and stressed the need for more bus stops and crosswalks in the area to increase safety for the children. She stated that vehicles speed excessively and suggested that warning lights be installed prior to the bus stop near Grandview Avenue. Ms. Lucas expressed her desire for the property to be developed into “something for the children”, such as a park; and offered to hold a benefit event to raise funds for park equipment. She also noted that the alleyway proposed for abandonment should not be granted – it should be left as it is for the children to walk across.

Karen DeRoss, 401 N. Grant Street. Ms. DeRoss noted that she lives directly next door to the property in question (405 N. Grant Street). She asked several questions regarding the drive-thru and parking. The location of the drive-thru lanes and parking were clarified. She also agreed that additional bus stops are needed, as is enforcement of the posted speed limit.

President Richard George read a letter received from Michael Walters, a copy of which is attached and included herein as a part of these minutes (see attached).

There were no further comments from the public.

Councilman Newcomer asked for clarification on location of the drive-thru lanes. Mark Bard displayed the proposed plan and showed the proposed locations of the drive-thru lanes and windows (which will use the existing exit on the north side of the building). He also described the parking, which is in conformance with Borough regulations for the size of the building, and the possible location of the ATM. He noted that there is an area of approximately 400' before the drive-thru windows, which will provide room for approximately 20 cars. Approximately 16 parking spaces will be provided (12 for customers and 4 for employees). Mr. Bard noted that the drive-thru lanes and parking should be more than sufficient for this credit union. He also indicated where buffer zones are required (on the south and residential side of Northside Pool) and indicated that an opaque fence will most likely be installed in accordance with the Borough's ordinance.

President George questioned how these plans will impact the area traveled by children on their way to and from Northside Pool. Mr. Bard noted that there is an area of approximately 30' on Grandview Avenue, as well as the sidewalk on Brown Street, for pedestrian travel.

Speed limits were discussed. It was noted that the posted speed limit for this portion of Grant Street is 25 mph.

President George noted that several issues addressed regarding this matter should be handled by the Borough but are unrelated to the re-zoning request (such as the need for crosswalks, speed limit

signs, etc.)

Hearing no further comments from the public or Council, the hearing was closed at 8:26 p.m.

Respectfully Submitted,

Melinda S. Knott
Administrative Assistant