

**NORTH FAYETTE TOWNSHIP  
PLANNING COMMISSION**

**REGULAR MEETING  
TUESDAY, APRIL 20, 2010  
7:30 P.M.**

The meeting was called to order with Mr. Bob Owens presiding.

**MEMBERS PRESENT:**

Bob Owens, Chairman  
David Cosnek, Board Member  
Kristopher Kruze, Board Member  
Fred Lutz, Board Member  
Tom McDermott, Township Solicitor  
Bob Grimm, Township Manager  
Cheryl Cherico, Recording Secretary

**MEMBERS ABSENT:**

Bill Fitzgerald, Vice Chairman  
Billie Budner, HDR Engineering  
Brian Temple, Township Community Development Director

**OTHERS PRESENT:**

Terry Jackovic, PIT Stop Airport Parking  
Doug Langer, Laser Tag Fun Zone, Inc.  
Tom Baker, Laser Tag Fun Zone, Inc.  
Several residents from the Township

**UNFINISHED BUSINESS:**

A motion was made by Mr. Fred Lutz, seconded by Mr. David Cosnek, and carried, to approve the minutes from the February 16, 2010, meeting.

**NEW BUSINESS:**

- 1. Revised Application 2009-10 – Rosemary C. Sullivan Plan No. 1** – Re-Approval Application for preliminary and final subdivision approval of 28.613 acres of land to be subdivided into 2 lots between Route 60 and Montour Run Expressway in an I-1 zoning district.

Mr. Owens asked a representative to approach the Board.

Mr. Jackovic approached the Board. He said this was actually a mistake by the engineer concerning the flood plain. He said it has been corrected.

The Board reviewed the submitted comments of Mr. Temple as read by Mr. Grimm.

Mr. Temple's comments were as follows:

1. This is an application for preliminary and final subdivision approval of 28.613 acres of land to be subdivided into 2 lots between Route 60 and Montour Run Expressway in an I-1 zoning district.
2. This is for subdivision purposes only to separate the two businesses located on the property.
3. This is the site of Garden Ridge and PIT Stop Parking. PIT Stop Parking received land development approval on May 9, 2006 and Garden Ridge received land development approval on May 13, 2008.
4. A 20' access easement is shown over the entrance drive for PIT Stop Parking to access their property in the same location.
5. This was previously recommended by the Planning Commission for approval on September 15, 2009 and approved by the Board of Supervisors on October 13, 2009.
6. After being approved the recording clauses needed to be changed because of ownership and the floodplain had to be revised because of a more current flood evaluation.

Mr. Temple's comments recommended a motion to the Board of Supervisors to re-approve the Rosemary C. Sullivan Plan No. 1.

Mr. Owens asked if anyone had any further comments or questions. Hearing none, he asked the Board for a motion.

**A MOTION WAS MADE BY Mr. DAVID COSNEK, SECONDED BY Mr. FRED LUTZ, AND CARRIED, TO RECOMMEND RE-APPROVAL TO THE BOARD OF SUPERVISORS FOR PRELIMINARY AND FINAL SUBDIVISION OF ROSEMARY C SULLIVAN PLAN NO. 1.**

<b>ROLL CALL:</b>	<b>DAVID COSNEK</b>	<b>YES</b>
	<b>KRISTOPHER KRUZE</b>	<b>YES</b>
	<b>FRED LUTZ</b>	<b>YES</b>
	<b>BOB OWENS</b>	<b>YES</b>

2. **Application 2010-3CU – Laser Tag Fun Zone, Inc.** – Application for Conditional Use under Section 702.27 of Zoning Ordinance #360 as amended for an Indoor Recreation Facility to be located on parcel 412-A-2 at 456 Home Drive in a B-2 Zoning District.

Mr. Owens asked a representative to approach the Board.

Mr. Langer approached the Board.

Mr. Kruze asked about the occupancy capacity of the building.

Mr. Langer said that it would be a laser tag facility with 35 laser packs. He said they have estimated that two teams of 15 people per team would be able to play at the same time, bringing the total to 30. As for the actual capacity, he passed that question on to Mr. Baker.

Mr. Baker said the capacity for the square footage of the building is 270 people, but it isn't going to be used for that type of retail business. He said there will be one main play area that Doug (Mr. Langer) was referring to with about 30 kids in the arena at one time. He said there would also be two party rooms that would hold about 15 people each. He said there would also be a lobby area where some parents could sit and have something to eat while they are waiting. In addition, there would be about 15 arcade games. He said kids would be rotating between the arcade games, the party room and the arena. He said roughly there could potentially be about 75 patrons in the building at one time.

The Board reviewed the submitted comments of Mr. Temple.

Mr. Temple's comments were as follows:

1. This is a Conditional Use under Section 702.27 of Zoning Ordinance #360 as amended for an Indoor Recreation Facility to be located on parcel 412-A-2 at 456 Home Drive in a B-2 Zoning District.
2. The applicant is going into an existing space.
3. The conditions of Section 702.27 have been outlined in the statement of compliance letter and have been met.

Mr. Temple's comments recommended that the Planning Commission accept the application as complete and make a motion to the Supervisors to advertise a Public Hearing. He said the Board if so desired could make a motion on the application or could wait until the May meeting in case anyone would have any additional questions because the public hearing would be held on May 25, 2010, a week after the next meeting.

Mr. Owens asked if anyone had any further comments or questions. Hearing none, he asked the Board for a motion.

**A MOTION WAS MADE BY Mr. FRED LUTZ, SECONDED BY Mr. DAVID COSNEK, AND CARRIED, TO ACCEPT THE APPLICATION AS COMPLETE AND RECOMMEND THAT THE BOARD OF SUPERVISORS ADVERTISE FOR A PUBLIC HEARING FOR LAZER TAG FUN ZONE, INC.**

<b>ROLL CALL:</b>	<b>DAVID COSNEK</b>	<b>YES</b>
	<b>KRISTOPHER KRUZE</b>	<b>YES</b>
	<b>FRED LUTZ</b>	<b>YES</b>
	<b>BOB OWENS</b>	<b>YES</b>

3. **Proposed Zoning Ordinance Amendment** - The Township staff is proposing a Zoning Ordinance amendment to allow as a permitted use a "Car Wash" in the B-1 – Neighborhood Commercial Zoning District.

Mr. Owens asked a representative to approach the Board.

Mr. Grimm approached the Board. He said discussions on this started as the township was working with a local business owner about relocating to a new location within the township. He said there were a number of issues that came up and it was discussed with the owner that there was a potential need to seek a use variance for the continued operation of a car wash at the new location. Through that discussion, Township staff started to think that there were already car washes in the B-1 Zoning District that are currently non-conforming uses. He said the Township believes that a car wash is a viable use and a similar use to other convenient oriented amenities and uses that would be found in a B-1 Zoning District. He said it would be a use that is compatible and complimentary to an adjacent residential district. For that reason, the staff is recommending that the Planning Commission make a motion to advertise a public hearing to amend the Zoning Ordinance.

Mr. Cosnek asked if that would include a self operated car wash.

Mr. Grimm said yes, it could be self operated or attendant.

Mr. Cosnek asked if this would be approved, what kind of conditions would be established as far as architecture, etc, since it would be next to a residential area so it couldn't be just a block building.

Mr. Grimm said that is an issue that the Planning Commission could make recommendations. He said there is also the potential to make it a Conditional Use in the B-1 Zoning District and have conditions placed into the ordinance as it relates to structural appearance.

Mr. McDermott said there are already certain conditions placed on a business per the Zoning Ordinance as far as buffering requirements, particularly where the business would be located at the tail end of a commercial zoning district that would be adjacent to a residential. Some of the conditions that you are mentioning as far as architecture, I'm not sure . . .

Mr. Owens asked if they could place requirements such as that just on a car wash or would it have to be the same for all businesses.

Mr. McDermott said that was the direction he was heading. He said maybe the Board would like to discuss the possibility of commercial districts having some enhanced conditional requirements. He said that he and Mr. Temple could do some research and provide the Board with some conditions that could apply.

Mr. Owens said that he knows of some car washes in other Township that are adjacent to residential that get patrons at 2, 3, 4 o'clock in the morning and that can get pretty annoying for residents.

Mr. McDermott said there could be some conditions placed on it relating to lighting, noise, hours of operation.

Mr. Grimm said the hours of operation would be a viable condition to place on it.

Mr. Owens said he believed the Planning Commission needed additional information before making a decision.

Mr. Lutz agreed and said he would like to see Mr. Temple and Mr. McDermott do some further research.

Mr. Grimm said that there are some municipalities that actually have architectural review boards which could be something to consider for not just car washes, but for all businesses.

Mr. McDermott said that is something that could not only help new businesses to be more visually appealing, but it could encourage older businesses to make their establishments more visually appealing out of envy or competition. He said peer pressure becomes a factor at that time.

The Board reviewed the submitted comments of Mr. Temple.

Mr. Temple's comments are as follows:

1. The Township staff is proposing a Zoning Ordinance amendment to allow as a permitted use a "Car Wash" in the B-1 – Neighborhood Commercial Zoning District.
2. The purpose of the B-1 Neighborhood Commercial District is to provide sufficient space for community-level commercial and service establishments and to promote stable commercial development for smaller-scale business and service uses.
3. The definition of "Car Wash" is: A structure or area used for the purpose of cleaning or reconditioning the exterior and interior surfaces of automotive vehicles but not including an incidental one-bay washing facility in a gasoline service station where washing facilities are accessory to the operation of said service station. A self-operated vehicular laundering facility not requiring attendants or employees, regardless of capacity, is also considered to be a car wash. No vehicle repairs or sale of petroleum, fuels or lubricants shall be performed in association with the car wash.
4. Currently they are permitted in B-2 and I-1 only.
5. As a staff we feel that car washes should also be permitted in B-1. (We currently have car washes in B-1 that are non conforming uses)

Mr. Temple's comments recommended that the Planning Commission make a motion to the Supervisors to advertise a Public Hearing. He said the Board could make a motion on the request or could do this at the next meeting if there would be any additional questions because the public hearing would be held on May 25, 2010, a week after the next Planning Commission meeting.

Mr. Owens asked if anyone had any further comments or questions. Hearing none, he asked the Board for a motion.

**A MOTION WAS MADE BY Mr. DAVID COSNEK, SECONDED BY Mr. FRED LUTZ, AND CARRIED, TO TABLE ANY RECOMMENDATIONS ON THE PROPOSED ZONING ORDINANCE AMENDMENT PENDING FURTHER REVIEW.**

<b>ROLL CALL:</b>	<b>DAVID COSNEK</b>	<b>YES</b>
	<b>KRISTOPHER KRUZE</b>	<b>YES</b>

**FRED LUTZ  
BOB OWENS**

**YES  
YES**

**COMMENTS:**

Mr. Owens asked if anyone had any comments or questions about anything.

Several unidentified residents asked about the car wash amendment and if there was a particular company looking to move into the Township, if there would be a limit on the number of car washes that could move into one area, if the amendment included detail shops, and if the amendment would require existing car washes in a B-1 Zoning District to comply with the new conditions.

Mr. Grimm said that it would include detail shops. He did not reveal what company in particular the Township was in discussion with that prompted the proposed Zoning Ordinance amendment.

Mr. McDermott explained that the Township cannot regulate the number of certain types of businesses in an area. He said the existing car washes in the B-1 Zoning District are grandfathered so they could continue doing business exactly as they do now. If they would move from their current location in a B-1 Zoning District to another location in a B-1 Zoning District, then the conditions would be required.

**ADJOURNMENT:**

**A MOTION WAS MADE BY Mr. FRED LUTZ, SECONDED BY Mr. DAVID COSNEK, AND CARRIED, TO ADJOURN THE MEETING AT 7:56 P.M.**

Respectfully submitted,

Cheryl Cherico  
Zoning Hearing Board Secretary