

In 2006 when the site was last redeveloped, the Zoning Board of Appeals granted three variances. The granted variances permitted the parking area located along Center Road to deviate from the requirements by encroaching 13 feet into the required setback area without installation of a berm; to encroach within the required five-foot setback for parking areas from property lines in the north parking area; and to install 63 parking spaces, 11 fewer than what is required by the ordinance.

As the project expands parking into the parcel to the north, the setback is extended to 30 feet. A total of 57 additional parking spaces are provided in the expanded parking area although four parking spaces are removed on the existing site to facilitate circulation. This brings the total parking spaces on site to 88.

With the acquisition and redevelopment of this adjacent parcel, McDonald's will actually exceed the parking required by ordinance by six parking spaces. When you consider that they receive a 10% reduction for shared parking, they actually are required to provide only 74 spaces, so they now exceed parking requirements by 14 parking spaces. This eliminates the need for the variance for parking, however the variance for the encroachment into the setbacks are still valid. As this particular expansion does not impact nor alter the drive thru facility, it is handled as a site plan review.

Whereas the proposed improvements are permitted by right in a B-3, General Commercial district and the project complies with the general development standards of the Township; staff recommends approval of Site Plan S-15-15, with the conditions listed in staff's report.

Discussion followed among the Planning Commissioners. Owners of the Morning Emporium, 2125 N. Center, entered the discussion and stated they had paved and have been using the area between their building and the building at 2115 N. Center as a driveway. This drive is to the south of their business, and is located on the parcel proposed to be purchased and redeveloped as part of the site plan request by McDonald's Restaurant. Morning Emporium stated they have been using this section of property (the encroaching drive) for 20 years and McDonald's should continue to let them use it. Ms. Smith stated the Township is willing to draft an easement agreement between the Morning Emporium and McDonald's for an access drive proposed to be located to the rear of Morning Emporium's parcel and connecting to McDonald's Restaurant's parcel. This would help patrons of both businesses have access to State Street and N. Center Road. The Morning Emporium is not interested as they feel there is no benefit for their business. They emphasized the need to keep things the same way it has always been. McDonald's representative, Iggy Pipitone, feels there is a benefit for not only the Morning Emporium but McDonald's, and for future owners of the Morning Emporium as the business is currently for sale.

Mr. Gombar inquired if McDonald's could possibly move the detention basin located in the area of concern to the northwest area of McDonald's parking lot. McDonald's stated the detention basin needs to remain, along with the ingress-egress drive that is proposed to be relocated further north and adjacent to the detention basin. Moving the access on N. Center will help alleviate the congestion at the current access drive. Mr. Pipitone explained that McDonald's was not interested in providing an easement to continue the encroachment as it exists as it

would preclude the development. The overriding goal of this project is to move the drive as far north as possible.

At this time, the owners of the Morning Emporium stated it appeared court was their only option and that is what they would pursue. They exited the meeting.

Ms. Smith stated the Township feels it would be a benefit for everyone to have a shared access easement in place with McDonald's, the Morning Emporium and the parcel to the north of the Morning Emporium (Dictating Office Machines). It is very difficult to make a left hand turn out of all of these businesses. Having an access to State Street would be beneficial for everyone.

Andrew Vanwormer, representative from OHM Advisors and Iggy Pipitone on behalf of McDonald's restaurant, were present to answer any questions.

Mr. Gombar then asked for public comments in favor or in opposition to the proposed site plan.

There being no comments, Mr. Gombar closed the public hearing portion of the proposed site plan.

Discussion followed among the Planning Commission members.

Motion by Mr. Nelson, supported by Mr. Howell, to recommend approval of the proposed site plan (S-15-15) with the four conditions listed below plus two additional conditions added during discussion:

1. Approval of a final site plan by the Community Development Department, Fire Department, Building Department and the Department of Public Services.
2. A Storm Water Management Plan will need to be reviewed and approved by the Township Engineer prior to the issuance of a building permit.
3. Execution of a mutual access easement agreement to provide future shared access with the parcel to the north.
4. A final landscaping plan that details compliance with the standards of the Township in terms of quantity and size as well as incorporates the required State Street Design Guidelines and the Township's general design guidelines.
5. Adjust the grade at the north end of McDonald's parking area to provide for smooth transition to the adjoining parking lot for access if the adjoining neighbor (Morning Emporium) enters into an access easement agreement.
6. Ensure the shared access connection is constructed prior to construction of the proposed additional parking area to guarantee access.

VOTE: 5 YEAS 0 NAYS 2 ABSENT MOTION CARRIED
Nolan
Peterson

Receive and File All Correspondence:

Old Business:

Adjournment:

Motion by Mr. Fahndrich, supported by Ms. McGraw, to adjourn the meeting at 7:55 p.m.

VOTE: 5 YEAS 0 NAYS 2 ABSENT MOTION CARRIED
Nolan
Peterson