

WEST HEMPFIELD TOWNSHIP ZONING HEARING BOARD
3417 MARIETTA AVENUE
LANCASTER, PA 17601
September 11, 2018

The West Hempfield Township Zoning Hearing Board met in the meeting room of the new West Hempfield Township Municipal Building at 3417 Marietta Avenue, Lancaster, PA, on Tuesday, September 11, 2018. Board members Gary Lintner, Anthony Crocamo and Daryl Peck were present, along with Bernadette Hohenadel, ZHB Solicitor; Dwayne Steager, Zoning Officer; Rhonda Adams, Court Reporter; and Judy Carrier, Recording Secretary.

Call to Order

The meeting was called to order by Chairman Gary Lintner at 7:30 p.m.

Approval of Minutes – August 14, 2018

- ❖ **Motion**: Anthony Crocamo moved, seconded by Daryl Peck, to *approve* the minutes for the meeting held August 14, 2018 as presented. Motion carried (3-0).

Case 1277

Applicant: KPLC Leasing LLC
Owner: David R. Goss and Gail E. Goss
Description: Request for a Special Exception for a Use Not Provided For, Section 101.7
Location: 3908 Abel Drive, Columbia PA
Zoned: C-2

Solicitor Bernadette M. Hohenadel began with an explanation of the Hearing process, rules and regulations and the purpose of the Hearing. Attorney Stacy MacNeal, Katherman, Heim & Perry, York, was present representing the applicant and conducted the Hearing. Ann Kritzer, 550 E. Front Street, Marietta; Clair Crescenzi and Mark Crescenzi both of 2625 Valley Drive, were sworn in as witnesses, and Tare Godfrey, Dawood Engineering, 2020 Good Drive, Enola was sworn in to provide technical expertise testimony. All exhibits submitted were entered and made part of the official record of the Hearing. A court stenographer was present to record the testimony and the stenographic transcript will be the official record of the hearing. Attorney MacNeal reviewed the Application for a Hearing and conducted a question and answer session pertaining to the Request for a Special Exception for a Use Not Provided for, Section 101.7 of the Township's Zoning Ordinance.

The Applicant, KPLC Leasing LLC is proposing to use a 0.80 acre vacant parcel located in the Township's C-2 Highway Commercial District for a commercial daycare center, which is a use not otherwise provided under the Township's Zoning Ordinance. The Applicant proposes an approximately 5,560 square foot commercial daycare center, which will contain seven classrooms for infant through school-aged children for a maximum of 89 students. It is estimated that the

daycare center will employ 12 - 14 full-time staff members and a handful of additional part-time staff as needed. The hours of operation will be from 6:30 a.m. to 6:00 p.m. Monday through Friday. KPLC Leasing LLC will operate as K-Prep Learning Center, which is an existing commercial daycare center with a license for 61 students in good standing with the Pennsylvania Department of Human Services. The facility as proposed would have 20 parking spaces, which is sufficient for the size of this facility based on Applicant's experience in the industry and is in accordance with the Township's Ordinance.

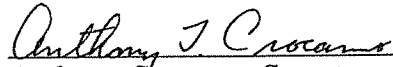
At the close of witness testimony, questions and comments raised by the Board were answered to clarify issues, if any, pertaining to student/teacher ratio, handling of emergencies and late pick-ups, traffic impact, sufficient parking space, fire and police protection, fencing of outside spaces, proper servicing by all existing public service systems, impact to neighboring property and/or character of the neighborhood and compliance with general special exception criteria.

Following discussion, the Board determined the K-Prep Learning Center to be a good fit and the following action was taken:

- ❖ **Motion:** Moved by Daryl Peck and seconded by Anthony Crocamo to *grant* Special Exception for Use Not Provided For, Section 101.7, West Hempfield Township Zoning Ordinance, to KPLCv Leasing, LLC for the property located at 3908 Abel Drive, Columbia PA with the condition of everything as described in tonight's Hearing. The motion passed (3-0).

There being no further business to come before the Board, the meeting was unanimously adjourned at 8:15 p.m.

Respectfully submitted,



Anthony Crocamo, Secretary

8. Claire Crescenzi and Ann Kreitzer appeared at the hearing and presented testimony on behalf of Applicant in support of the Application.

9. Thomas Godfrey, of Dawood Engineers, 2020 Good Hope Road, Enola, Pennsylvania also appeared on behalf of the Applicant and presented testimony concerning the proposed plan for the Property, particularly the Traffic Generation Study performed pertaining to the proposed use.

10. Applicant presented the following exhibits at the hearing which were made part of the record:

A-1 Aerial photograph showing approximate location of the proposed use and surrounding area;

A-2 Plan prepared by Dawood Engineers, showing the proposed layout of the Property, the building to be constructed, parking and other features of the Plan; and

A-3 Trip Generation Memo, dated August 17, 2018, prepared by Dawood Engineers, for the K-Prep Learning Center.

11. Applicant is requesting approval of a special exception under Section 101.7 of the Zoning Ordinance for Uses Not Provided For, to allow use of the Property as a commercial daycare center.

12. Applicant will be purchasing the Property and proposes a 5,460 square foot building to be used as a commercial daycare center, to be leased by Applicant to and operated by KPrep Learning Center. KPrep currently operates at 3943 Columbia Avenue, southwest of the Property, but is seeking to enlarge its facility and expand its daycare program.

13. KPrep is currently licensed by the Commonwealth of Pennsylvania to provide daycare services up to 61 children ages infant through school-age and currently have enrolled 45 children. In the new location, the maximum legal number of students will be 89.

14. The proposal is for a new building with seven classrooms, two offices, open learning space, small kitchenette, and restrooms.

15. The size of each classroom is governed by state regulations which require 40 square feet of classroom space per child and the number of children in each classroom is also regulated by the State.

16. There will be a maximum of 14 full-time staff members and also part-time employees as needed. The number of staff members working at any given time is dependent on state requirements for staff to child ratio based on age of children and number of children in each classroom.

17. Hours of operation will be Monday through Friday, 6:30 am to 6:00 pm, with the majority of the children being dropped off between 6:30 to 8:30 am and picked up between 4:00 to 6:00 pm.

18. Outdoor play space will be provided at 60 square feet per child as required by state regulations, and will be enclosed with a 4-foot-high fence.

19. Twenty parking spaces will be provided, as well as two handicapped accessible parking spaces, with the main entrance to the building to be located off the parking area. Additional ingress/egress from the building will be provided for safety and playground access.

20. Applicant presented the results of a Trip Generation Study (A-3) based on the ITE Trip Generation Manual, which concluded there would be at most 70 additional am and pm trips generated by the use.

21. The surrounding properties are all commercial uses and similar to the proposed use in terms of traffic, hours of operation, and the like.

22. No one appeared to request party status or to express opposition to this application.

23. The Township has not expressed any opposition or concerns with respect to this application.

B. DISCUSSION AND CONCLUSIONS OF LAW

Applicant has requested a special exception pursuant to Section 101.7 of the Zoning Ordinance for a Use Not Provided For to operate a commercial daycare center in the C-2 Highway Commercial Zoning District. Under this section, the use requested must be neither specifically permitted nor prohibited under the Zoning Ordinance. Uses will be permitted as special exceptions under this section if the Board concludes that the proposed use is of the same general character and compatible with other uses in the District, is in accordance with the purpose of the Zoning Ordinance, and complies with the performance standards applicable to permitted uses within the District. In order to be granted a special exception under Section 1005.3 of the Zoning Ordinance, the Applicant must establish that it meets the standards and criteria for such a use.

The Zoning Hearing Board concludes that Applicant has met its burden and demonstrated entitlement to approval of a special exception under Section 101.7 to allow the location of a commercial daycare center in the C-2 Highway Commercial Zoning District. The Zoning Hearing Board concludes that the Application is in compliance with the requirements of the Zoning Ordinance with respect to the commercial daycare center. Applicant has established that the proposed use is of the same general character as permitted uses within the District, is in

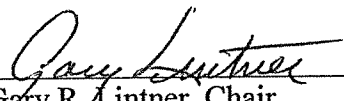
accordance with the intended purpose of the District, and complies with performance standards applicable to the proposed use. In addition, Applicant has established by credible evidence that the proposed use meets the standards and criteria for grant of a special exception as delineated in Section 1005.3. The Zoning Hearing Board concludes that the request for relief should be granted.


C. DECISION

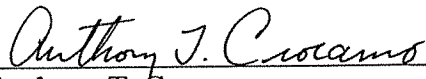
Based on the foregoing, the West Hempfield Township Zoning Hearing Board approves Applicant's request for special exception approval under Section 101.7 to allow the location and operation of a commercial daycare center on the Property. This approval is conditioned on the following:

A. Applicant is bound by the testimony and evidence presented at the hearing and shall locate and operate the business on the Property as described at the hearing.

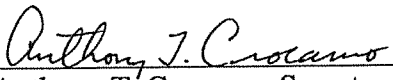
FOR THE ZONING HEARING BOARD OF WEST HEMPFIELD TOWNSHIP

By: 
Gary R. Lintner, Chair

By: 
Daryl S. Peck

By: 
Anthony T. Crocamo

Dated and filed _____, 2018, after hearing on September 11, 2018.
Notice of this Decision was mailed to all parties on _____, 2018.


Anthony T. Crocamo, Secretary