

BEFORE THE BOARD OF SUPERVISORS OF THE
TOWNSHIP OF EAST LAMPETER

IN RE: Application of Friends Group)
Holdings, LLC)
LOCATION OF)
PROPERTY: 2601 Lincoln Highway East,)
located on the north side of)
Lincoln Highway East, consisting)
of 4.62 acres, more or less)
ZONING)
DISTRICT: R Rural)

Case No. 2016-13

FINDINGS OF FACT AND DECISION

FINDINGS OF FACT

I. Parties and Procedural Matters.

1. The applicant is Friends Group Holdings, LLC (“Applicant”).
2. The property is an approximately 4.62 acre tract located within the R Rural District.
3. The Applicant requests approval to construct additional improvements to the property, in addition to the existing home and barn in order to make adaptive reuse of an historic property as a country inn.
4. The application requests conditional use approval under Section 1403-B.1 of the Zoning Ordinance of East Lampeter Township which was in effect at the time the application was filed.
5. Notice of the hearing on the application was duly advertised and posted in accordance with the provisions of the Pennsylvania Municipalities Planning Code and the East Lampeter Township Zoning Ordinance.

6. Public hearings on the application were held by the Board of Supervisors on June 20, 2016 and August 1, 2016.

7. Testimony was stenographically recorded for the hearings and distributed to all the parties.

8. Supervisors David Buckwalter, Ethan Demme and Corey Meyer attended both of the hearings and participated in the decision. Supervisors John Blowers and Glen Eberly attended the June 20, 2016 hearing, were not present at the August 1, 2016 hearing but then reviewed the transcript for the August 1, 2016 hearing and participated in the decision.

9. The Applicant was represented at the hearings by Mark Stanley, Esquire of McNees, Wallace & Nurick, LLC, 570 Lausch Lane, Suite 200, Lancaster, Pennsylvania, 17601.

10. The township, in its administrative capacity, was represented at the hearings by Matthew J. Crème, Jr., Esquire of Nikolaus & Hohenadel, LLP, 212 North Queen Street, Lancaster, Pennsylvania, 17603.

11. No additional individuals became parties of record.

12. The following exhibits were offered by the Applicant and admitted into evidence at the hearing.

| Exhibit No. | Description |
|--------------------|---|
| A-1 | Packet of Conceptual Renderings |
| A-2 | Resume of Carol L. Hickey, RA |
| A-3 | Summary of Restoration Estimates |
| A-4 | GIS Map of Mill Creek Tributary Rural Historic District |
| A-5 | Packet of Six (6) Site Photos |

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| A-6 | Site Aerial |
| A-7 | Lighting Plan |
| A-8 | Well Certification by Myers Bros. Drilling Contractors Inc. dated August 13, 2015 |
| A-9 | Letter from Bryan Van Sweden, Acting Chief, Division of Preservation Services, Pennsylvania Historical and Museum Commission to Birju Surti, Friends Group Holdings, LLC dated May 12, 2016 |

13. The following exhibits were offered by the township in its administrative capacity and admitted into evidence at the hearing.

| Exhibit No. | Description |
|--------------------|--|
| T-1 | Friends Group Holdings Deed date July 28, 2015 |
| T-2 | Lancaster County Parcel View of Subject Property |
| T-3 | Contributing and Non-Contributing Resources in the Mill Creek Tributary Rural Historic District |
| T-4 | July 12, 2015 Requests for Enrollment in East Lampeter Township's Agricultural Security Area |
| T-5 | Conditional Use Decision for Antoni and Lorin Wortel |
| T-6 | Conditional Use Decision for John Stevens and Sarah Gilligan |
| T-7 | East Lampeter Township Planning Commission Minutes – June 14, 2016 |
| T-8 | East Lampeter Township Route 30 Corridor Map |
| T-9 | Letter from Karen L. Martynick, Executive Director of the Lancaster Farmland Trust to the Board dated July 7, 2016 |

14. In addition to the exhibits which were entered into evidence, the Applicant included with its application an Existing Conditions and Demolition Sketch Plan, a Layout Sketch Plan of the

proposed 70 room lodging facility with accessory community center and a May 10, 2016 letter Trip Generation Assessment prepared by Jarred L. Neal, P.E. of Traffic Planning and Design, Inc.

II. The Property and Proposal for a Country Inn.

15. The property is an approximately 4.62 acre tract located within the R Rural District.
16. The property currently is improved with an existing farmhouse and barn and several other outbuildings.
17. The farmhouse was constructed in a Georgian Revival style in the late 19th century with arched windows and double chimneys.
18. The home is structurally sound but deteriorated and needs, in particular, brick work and roof repairs.
19. The two-story dairy barn was constructed in approximately 1911 and is a bank barn with four bays which are currently concealed by more modern additions.
20. The Applicant proposes to construct an additional 70 room 3-story lodging facility which the Applicant characterizes as a “country inn.”
21. The 70 room facility would be connected to the existing farmhouse by a breezeway which would be constructed with a roof but which would otherwise be open air.
22. The existing farmhouse would serve as the formal entrance to the inn, with check-in and breakfast areas.
23. In addition, the existing farmhouse, on the second floor, would contain two master suites, described as high end lodging units.
24. The Applicant therefore proposes a lodging facility of 72 units, 70 of which would be located in the new building and 2 of which would be located within the existing dwelling.

25. Areas around the farmhouse and 70 unit addition would include a picnic area, pool and a formal playground.

26. Applicant proposes to use the existing barn as a facility for events such as weddings, meetings and other social events. The second floor of the barn would include a conference area and ballroom. The loft area of the barn would include facilities for meetings, weddings and craft shows.

27. There would not be a restaurant on the facility. Food for events would be handled by private catering operations.

28. The use of the barn would not be limited to guests of the inn.

29. Applicant plans to remove the more modern additions which have been made to the barn and to reconstruct the resulting facades in a manner which would reflect the more traditional period architecture for barns of the era in which the barn was originally constructed.

30. No part of the property would be used for growing crops, raising livestock or other typical farming operations.

31. Most of the parking for the facility would be located on the area which is currently a farm field.

32. Applicant proposes to construct an observation deck in the barn structure which would be oriented to view an adjacent farm, but no farming on the project site would be observable.

33. The property, at least when it was part of a larger agricultural tract, was viewed as a contributing resource to the Mill Creek Tributary Rural Historic District, as designated by the Pennsylvania Historic Museum Commission in 2004.

34. The property was subdivided from the parent tract on June 4, 2007.

35. Additional testimony was presented by the Applicant to demonstrate compliance with

the dimensional and parking requirements of the Zoning Ordinance and to demonstrate that the property would be served by the existing public sewer system and by an adequate well having sufficient capacity to serve the 72 unit lodging facility and the uses proposed for the barn.

36. The Applicant presented testimony by Jared Neal who provided evidence that the projected number of trips generated by the proposed use would be adequately handled by the existing public roadway.

37. The property is located outside the adopted Urban Growth area for the township.

38. In the immediate vicinity of the property are several farms which have requested inclusion within the township's Agricultural Security area as a first step for seeking approval to be ultimately preserved for agriculture by providing preservation easements to the Lancaster Farmland Trust or the Lancaster County Agricultural Preservation Board. Those farms were identified as the Swarey, Beiler and Fisher farms located generally to the east of the subject site, both to the north and south of Route 30. In addition, the remainder of the property from which the subject site was subdivided remains in farming, as does most if not all of the properties to the north and east of the subject site which were within the area described as the Mill Creek Tributary Rural Historic District.

39. Further to both the east and west as depicted in the Applicant's Exhibit A-6, there are several other lodging facilities, including the Steamboat Inn, Vic's Wayside Inn, the Sleep Inn and Suites, America's Best Value Inn and the Red Carpet Inn, all of which would be commonly thought of as typical tourism-focused hotels or motels.

40. In arriving at a conclusion that the traffic generated by the use would be safely handled by the roadways, Mr. Neal estimated the trips by means of the "hotel" use category as described in the Institute of Transportation Engineers Manual (ITE Manual) indicating that the use

classification of a hotel was appropriate for a facility planning for 72 lodging rooms.

41. The proposed use is not a country inn.

DISCUSSION

The application has been submitted for conditional use approval under the Historic Overlay District provisions of the former Zoning Ordinance. To receive approval, an application must demonstrate that the property has been listed on or is eligible for listing on the National Register of Historic Places by the United States Department of Interior, that the use is one of the uses permitted by conditional use within the Overlay District, that the proposed use is desirable to enable the preservation, restoration or rehabilitation of the property and that it is compatible with the surrounding area. Among the uses permitted within the Historic Overlay District, if the eligibility requirements for the property have been demonstrated, are bed and breakfast or country inn facilities. Consequently, to obtain approval for the proposed use, it must be shown that the property is eligible for listing on the National Register of Historic Places, that the proposed use is desirable to preserve, restore or rehabilitate the property, that the proposed use is compatible with the surrounding area and that the proposed use qualifies as a "country inn."

The parties presented conflicting evidence as to whether the property was eligible for listing on the National Register of Historic Places. A significant portion of the testimony presented by Applicant was that the property as a whole was located within the Mill Creek Tributary Rural Historic District, which as an area was recognized as historic. However, the original mapping of that district was performed at a time when the subject property was part of the larger tract, the remaining portion of which is an operating farm. Although there is testimony suggesting that the farmhouse itself and a portion of the existing barn could be viewed as having historic attributes, it is apparent

that both the existing farmhouse and barn will functionally be accessory to the primary use of the property, which will be a lodging facility. The proposed facility will be functionally indistinguishable from existing lodging facilities located along Lincoln Highway East, generally west of the tract and to the east of the tract beyond a number of adjacent farms.

As noted during the testimony, a condition of approval is ongoing qualification for designation as an historic property. Although the Board is skeptical of the likely ongoing qualification of the property as an historic property, the Board need not determine which of the opposing viewpoints was correct in light of the additional determinations described below. If the property is considered an historic property, the Board, in order to grant the application, must conclude that the proposed use is desirable to enable the preservation, restoration and rehabilitation of the property, that the proposed use is compatible with the surrounding area and that the proposed use as a country inn meets one of the uses permitted within the Historic Overlay District. The Applicant has the burden of proof with respect to those issues.

The crux of the application is that the construction and operation of a 72 unit lodging facility is necessary to finance improvements to the farmhouse and barn. It is clear from the application and the presentation that the property as a whole will simply be a 72 unit lodging facility. There will be no farming or other agricultural uses conducted on the property. The farmhouse will primarily function as an office. If the farmhouse and barn were together to be used as, for example, a bed and breakfast with related reception areas and without the massive new lodging facility, then the Board of Supervisors could have been persuaded that the proposal indeed was desirable to enable the preservation of the property. As proposed, however, the addition and operation of the 70 unit lodging facility completely alters the complexion of the property and actually removes the property

from its agrarian history. Consequently, the Board views the proposal as counterproductive to maintaining the historical nature of the property as a whole, even if the use would be helpful to finance cosmetic improvements to the farmhouse and barn.

The next issue is the effect of this proposal upon the surrounding area. As demonstrated by the township administrative staff's testimony and that of its witnesses, there is an existing and ongoing effort being made to preserve the rural and agricultural nature of the surrounding area, particularly the properties adjacent to and to the east of the proposed site. It was demonstrated that there are several farms which are seeking to be located within the township's Agricultural Security area as the first step to preserving those farms for agriculture by donating or selling preservation easements. The proposed use, functionally a motel or hotel similar to others located along Route 30, would have an adverse impact on the adjacent agricultural uses.

Finally, it is recognized that the term "country inn" is not a defined term within the Zoning Ordinance. While it may be difficult to draw a line as to how large a facility could be and still be considered, as commonly understood, a country inn, it is clear that it must be something significantly smaller than the typical hotel or motel focused on tourism in the U.S. Route 30 area. The Board of Supervisors views a country inn as being a relatively small lodging facility, located within a rural setting, and probably one which includes some level of dining facilities. The Board notes that were the proposal to utilize the existing dwelling, and perhaps part of the barn, as the lodging facility, coupled with retention of the surrounding areas in agriculture, the resulting use could legitimately be considered as a country inn. However, the addition of the 70 unit lodging facility, functionally a hotel or motel, effectively removes any kind of agriculture or farming facet of the property from the site. Consequently, in the Board's view, the proposed use does not enable the preservation,

restoration or rehabilitation of the property, is not compatible with the surrounding area and does not, as proposed, constitute a country inn facility.

CONCLUSIONS OF LAW

1. The Applicant has not demonstrated that the proposed use would be a “country inn facility” as required for approval.

2. The proposed use is not desirable to enable the preservation, restoration or rehabilitation of the property and, in fact, is somewhat counterproductive in that it converts what was formerly a rural or agricultural property into a hospitality type of use.

3. The Applicant has not demonstrated that the use is compatible with the surrounding area. In fact, the proposed use is incompatible with the existing farm properties which are adjacent to the property, and in particular, with those properties located generally to the east which are going through the steps to be preserved for agricultural use.

4. The Board concludes that the Applicant has essentially proposed a 72 unit hotel or motel, which is not permitted within the Historic Overlay District or within the Rural District.

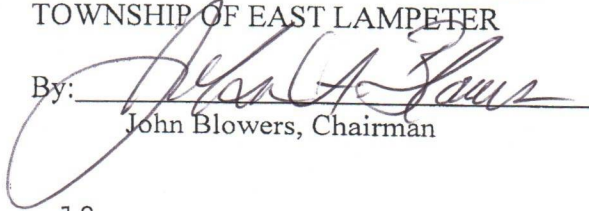
DECISION

The East Lampeter Township Board of Supervisors denies the request for conditional use approval under the terms of Section 1403-B of the Zoning Ordinance of 1990

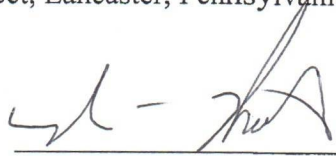
Decision made this 3rd day of October, 2016, following hearings on Monday, June 20, 2016 and Monday, August 1, 2016.

BOARD OF SUPERVISORS FOR THE
TOWNSHIP OF EAST LAMPETER

By: _____


John Blowers, Chairman

The undersigned certifies that a copy of this Decision has been, by First Class Mail, postage prepaid, served upon the Applicant c/o Mark Stanley, Esquire of McNees, Wallace & Nurick, LLC, 570 Lausch Lane, Suite 200, Lancaster, Pennsylvania, 17601 and Matthew J. Crème, Jr., Esquire, Nikolaus & Hohenadel, LLP, 212 North Queen Street, Lancaster, Pennsylvania, 17603.



Ralph M. Hutchison, Secretary

Date: 10/3, 2016

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