

LOWER PAXTON TOWNSHIP
PLANNING COMMISSION

March 12, 2009

COMMISSIONERS PRESENT

Fredrick Lighty
Roy Newsome
Dennis Guise
Ernest Gingrich
Richard Beverly
Douglas Grove
Robin Lindsey

ALSO PRESENT

Lori Wissler, Planning & Zoning Officer
Steve Fleming, HRG
Jessica Kurtz, Community Development Intern
Omar Syed, Dauphin County Planning Commission

CALL TO ORDER

Mr. Lighty called the regular meeting of the Lower Paxton Township Planning Commission to order at 7:02 pm, on March 12, 2009 in Room 171 of the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

PLEDGE OF ALLEGIANCE TO THE FLAG

Mr. Guise led the recitation of the Pledge.

APPROVAL OF MINUTES

Mr. Beverly made a motion to approve the minutes of the February 11, 2009 regular meeting, and the February 23, 2009 workshop meeting. Mr. Grove seconded the motion, and the minutes were approved as submitted.

OLD BUSINESS

Preliminary/Final Subdivision and Land Development Plan 08-20
Allentown Boulevard Hotel
(Holiday Inn Express)

Ms. Wissler stated that the purpose of the plan is to consolidate existing Tracts 1 and 2 into one lot. A new 3-story, 81-room hotel is proposed north of the existing hotel. The site currently has an existing 2-story, 76-room hotel and a 2-story retail/restaurant/storage building, Keystone Center, under construction. The existing pool will be removed to accommodate the required parking.

The property consists of 5.3324 acres and is located at the intersection of North Mountain Road and Allentown Boulevard, behind the Holiday Inn. The tract is zoned CG, Commercial General District, and will be served by public water and sewer. Five waivers are being requested.

Mr. Marcel Mileo, Dawood Associates, 2020 Good Hope Road, Enola, was present on behalf of the plan.

This plan was tabled at the January Planning Commission meeting to allow the applicant to address some of the comments.

Mr. Grove asked about the proposed light fixtures and if they comply with the ordinance with regard to shielding. Ms. Wissler stated that HRG's comments #4 and #5 pertain to light fixtures as well. Mr. Mileo stated that the lighting was put on the plan by the lighting representative. The engineer asked that the applicant show that there were no foot candles at the property line. Mr. Mileo stated that if the contractor does exactly what is shown on the plan, there will be no foot candles at the property line and that can be controlled very precisely. Mr. Fleming stated that if there is a shield on the inside, it will meet the ordinance requirements, if it is not shielded, it will not meet the requirements. Mr. Mileo asked if the concern is upward lighting. Mr. Grove answered yes. Mr. Mileo stated he thought it was there already, but will make sure with the lighting rep, and that the information indicates that.

Mr. Mileo stated they can provide sidewalk along Allentown Boulevard, but wanted clarification if the Township actually wants it there. There is no sidewalk except for 300 feet to the west. There is also no sidewalk along North Mountain Road. Ms. Wissler stated that the Board of Supervisors has been trying to get sidewalk along Allentown Boulevard. Mr. Lighty agreed sidewalk and curbing shouldn't be installed along Stratford Drive, but the other may need to be installed.

Mr. Newsome asked about the emergency access at Stratford Drive and if there is an apron proposed. Mr. Mileo stated there will be no apron, but the 911 system will alert a responder that there is a secondary entrance and the location of it. They plan to stabilize the entrance with chain link fence beneath the surface. Mr. Newsome asked about the area between where the fencing stops and the edge of pavement of Stratford Drive. Mr. Fleming stated they will run the fence to the edge of the pavement.

Mr. Guise asked about the Traffic Impact Study. Mr. Mileo stated that the additional hotel itself does not go over the 100 trips per day; however, they have sent a document to PennDOT showing the three driveways and the traffic generated by all the buildings on the site using those three driveways. They have asked PennDOT if a traffic study will be required or if they will have to apply for an HOP. Ms. Wissler stated Lower Paxton Township has a requirement, independent of PennDOT, of a traffic impact study if the trips per day are over 100. Mr. Mileo asked if the Township requirement is specific to the addition. Ms. Wissler stated it refers to the site as a whole.

Mr. Gingrich asked if a Highway Occupancy Permit will be required. Mr. Mileo stated they are awaiting a response from PennDOT on that question. He added that it appears that the three driveways can handle the traffic. Mr. Gingrich asked if PennDOT was supplied with the traffic for the whole site. Mr. Mileo answered yes.

Mr. Gingrich was not comfortable going forward without hearing what PennDOT has to say. Mr. Mileo requested conditional approval to meeting PennDOT's requirements. He noted they would not go before the Board of Supervisors without having all the requirements fulfilled. That comment is

the only one awaiting a response. Mr. Guise noted that the Township has a requirement of its own to provide traffic information.

Mr. Lighty stated the 90-day approval deadline is April 14, 2009. Ms. Wissler stated she has prepared a time extension for the applicant.

Mr. Gingrich stated the HOP may change things on the site. Mr. Mileo stated he can come back in 2-3 months with PennDOT's information, or conditional approval could allow him to go to the Board of Supervisors at that time.

Mr. Gingrich stated this site is not a simple one.

Mr. Fleming stated it is likely that the sidewalk installation would require an HOP. Mr. Mileo agreed, but that is not the same as a driveway permit. Mr. Fleming stated the driveways may need modified to facilitate ADA requirements.

Mr. Mileo stated the study they did showed the driveways to be adequate, but they have not gotten an official response from PennDOT. He noted they hope to not get into turning lanes or things of that nature, because that could significantly affect the project.

Ms. Wissler asked if the traffic counts are over the 100-trip threshold. Mr. Mileo stated the single building will not be over, but the whole site will be.

Mr. Guise stated the Commission is disinclined to recommend the waiver of the sidewalk requirement along Allentown Boulevard, and the engineer has also recommended against it, and the Board of Supervisors has established a policy to try to get sidewalks wherever possible.

Mr. Newsome stated the handicap signage position is incorrect.

There was no comment from the audience.

Mr. Guise made a motion to table the plan, to give the applicant the opportunity to address the comments, specifically the comments about the traffic study and PennDOT. Mr. Newsome seconded the motion and a unanimous vote followed.

Preliminary/Final Land Development Plan 09-02
Bishop McDevitt High School

Ms. Jessica Kurtz stated that the purpose of the plan is to construct a new high school which will accommodate 900 plus students as well as associated site improvements and athletic facilities. The tract is located west of Page Road and to the north and south of Spring Creek Road. The property is zoned RC, Residential Cluster and FP, Flood Plain District. The tract consists of 86.45 acres and will be served by public sewer and public water. The applicant has requested a waiver of the preliminary plan requirement, and a waiver of the requirement to install sidewalks along the western portion of Spring Creek Road.

Ms. Kurtz stated that the plan was tabled at the February Planning Commission to allow the applicant to address some of the comments and provide additional information with regard to the vacation of Spring Creek Road.

Justin Kuhn and Tom Wilson of Kurowski & Wilson Engineers, Mike O'Rourke from KCBA Architects, as well as Jeff McCauslin, director of properties for the Diocese, and John DiSanto was present on behalf of the plan.

Mr. Lighty stated the vacation of Spring Creek Road did originate with the Township. There are four major reasons why:

1. Even though the Township could ask the developer to improve Spring Creek Road for its portion of frontage, that is a small percentage of roadway in need of improvement. The rest of the improvement would be the responsibility of the Township. There are significant problems with that. The legal problem is that the Township does not have legal right-of-way in which to make improvements.
2. There are environmental issues: creek, steep slopes, trees holding up the banks which will collapse when the trees are removed to widen the road.
3. Safety issues. The traffic would dump into three intersections, that are not failing, they are challenging nonetheless. New drivers negotiating a turn from Dowhower onto Union Deposit Road is not favorable.
4. Cost. To address the environmental, safety and right-of-way issues, the cost would be multi-millions.

Mr. DiSanto stated that Mr. Kuhn responded to the comments by letter dated February 23, 2009. That letter goes into great detail and they agree with doing everything noted. Ms. Wissler stated that staff did meet with them to go over the comments and their response. She noted that the comments from Bob Grubic, dated March 5, 2009, are items left to be addressed.

Mr. DiSanto presented a letter identifying the pertinent information from the traffic study. It includes information showing they register below the 800-trips threshold, the student population distribution, historical traffic accident information, and further justification of the parking for student and faculty parking.

With regard to the student population and whether the majority will come from Derry Street or Union Deposit Road, the last page, exhibit 5, shows that it is basically 50/50: 373 from Derry Street and 345 from Union Deposit Road. Mr. Kuhn noted that the CD portion of McDevitt's population does include CD East High School, which is geographically different than CD High School, coming from Derry Street. Mr. DiSanto stated that they looked at the distribution coming from school districts, but they are, in fact, coming from parishes or local churches. The parishes to the south are Seven Sorrows (Middletown), St. Joseph's (Hershey), St. Catherine's (Derry Street), St. Francis (Harrisburg City), and Prince of Peace (Steelton).

Mr. Kuhn presented a map that shows the students. He noted that they mapped it out by school district, then by parish, and both indicate 50/50.

Mr. DiSanto stated that the other memo is dated February 23 and addresses parking. Thirty-five percent of the students are not bussed. That includes carpooling and students being dropped off. K&W did counts before and after school to determine how many cars were in the neighborhood. Many streets are posted no parking during school hours.

There are 81 staff members at the school. One hundred eighty-four parking spaces are anticipated to be used, and 219 are provided. These calculations are based on 900 students, the anticipated number of students.

Ms. Lindsey asked the average attendance for a football game. Mr. Kuhn stated that 3,000 seats are proposed, which is the number the school has been using. Ms. Lindsey suggested that if 2 people came in each car, there would be 1,500 cars for 969 parking spaces. Mr. Kuhn stated that the ordinance calculates the stadium parking needs with 4 people per car. Ms. Lindsey was concerned that football goes might park in Chatham Glenn. Mr. DiSanto wasn't sure people would park that far away, but also noted that there is never enough parking at any high school football game.

With regard to traffic accidents, Mr. DiSanto stated that the figures presented are for 2002-2006; he was unable to get the number of accidents for 2007-2008.

Mr. DiSanto noted some general pros/cons to the closure of the road:

Cons:

Inability to use the road as a shortcut to avoid collector roads;

Minor increase of traffic on collector routes (Page/Derry/Union Deposit/61st), but they will all be using a signalized intersection;

Limit potential development in that area;

Increase speed of students traveling to the west.

Pros:

Less traffic through residential neighborhoods via Galion;

Limiting future development along Spring Creek Road;

Increased traffic on collector routes, thereby decreasing accidents at Dowhower/Spring Creek/48th St;

No environmental impact to Spring Creek from improving the roadway;

Limited traffic impact to road system to the west of the site;

All traffic to and from the school would come through a signalized intersection.

Mr. Lighty noted that it is not necessarily for the Planning Commission to consider the design or the function of the gate system, but he would like some binding agreement about responsibilities, how it will work, who will maintain and test, it et cetera. Mr. DiSanto stated he has been talking to Swatara Township's Fire Marshal because there is concern about two different systems being used. Lower Paxton Township uses Opticon by GM, and Swatara uses TowCom. They work on the same signal, and PERCS services both Townships and has said that both systems use the same frequency. Mr. DiSanto stated that PERCS would do the maintenance of this gate, as one added item to the responsibilities they already have in both Townships.

Mr. Lighty asked about some assurance that the gates will not be opened during football games. Mr. DiSanto stated they considered opening the gates, if the Township would want that. Mr. Lighty stated that the position is now that the gate should not open except for emergencies. Mr. DiSanto stated it will not open. The only time it would be open is if an emergency apparatus opens it.

Mr. Fleming stated that if the roadway is vacated, HRG recommends that an operations and maintenance agreement be executed with the Township. If the roadway is not vacated, maintenance issues would have to be worked out. Mr. DiSanto stated he would not have a problem with that.

Mr. Newsome asked about summer activities. Mr. DiSanto stated the school is open all year, there are activities during the summer such as athletic practices or summer school.

There was no comment from the audience on this plan.

Mr. Guise made a motion to recommend approval of the plan, subject to compliance with the comments and the issues discussed, and approval of the waiver requests (2). Mr. Gingrich seconded the motion and a unanimous vote followed.

NEW BUSINESS

Special Exception #09-02 **Bishop McDevitt High School**

Ms. Wissler stated that the Diocese of Harrisburg has submitted an application for a Special Exception for the use of a grass parking area to be located along the east and west side of the proposed stadium.

Ms. Wissler advised that the application is being brought before the Planning Commission so that they may make a recommendation to the Zoning Hearing Board, who will conduct a hearing on March 26, 2009.

Mr. Justin Kuhn stated that grass parking is proposed on the east and west side, with the majority on the west side. The parking main aisles will be surfaced in gravel and the spaces would be in grass. There will be ten paved handicap parking spaces along the east side adjacent to the entrance, as well as ten paved handicap spaces on the west side adjacent to that entrance, for a total of twenty ADA accessible spaces. On the west side, there will be parking perpendicular just behind the curb line, accessed via the paved access road. The surfaces getting minimal use will be grass, and the areas getting most of the traffic will be paved or gravel surface. The center of the parking area will be the practice football field, so it will be maintained daily. Mr. DiSanto stated the area used for football will be sloped for drainage. Mr. Kuhn added that the slope will be 2.5% across the parking area.

Mr. Kuhn stated the underlying soil is Berks and Beddington, and fragmented shale. The infiltration rates are above 7 inches per hour. Drainage should not be a concern on this site.

There was no comment from the audience regarding SE #09-02.

Mr. Gingrich made a motion to recommend to the Zoning Hearing Board that the Planning Commission has no objection to the granting of the special exception request as submitted. Mr. Grove seconded the motion and a unanimous vote followed.

Preliminary/Final Subdivision and Land Development Plan #09-04
Lingestown Life, A United Methodist Church

Ms. Wissler stated that the purpose of this plan is to construct an addition to the Lingestown Life Church. The property is located north of the Lingestown Square, on both the east and west side of the dead-end of North Mountain Road, just north of Blackberry Alley.

The existing facility is approximately 24,000 square feet on three levels. The expansion will add approximately 22,000 square feet on the main level and 4,000 square feet on the lower level. The expansion includes additional classrooms, hospitality areas, a modified entrance with covered access, and a Family Life Center. The tract which consists of 16.03 acres, is zoned R-1, Low Density Residential District and is served by private well water and public sewer. No waivers have been requested.

Chris Beauregard was present on behalf of the plan, as well as Ron Lair and Pastor Reynolds.

Mr. Guise asked about a waiver of the preliminary plan requirement. Ms. Wissler agreed a waiver is required since the plan is preliminary/final.

Mr. Lighty asked if the applicant has received the comments from Staff, County and HRG. Mr. Beauregard answered that he had, and did not have issues with them.

Mr. Gingrich asked about the bypass road. Mr. Fleming stated the bypass for Blue Mountain Parkway will be to the east of this site, and is not related to this project.

Mr. Guise asked about a traffic impact study. Mr. Beauregard stated that is being pursued.

Mr. Guise asked if there are daily activities at the church. Mr. Beauregard stated there is a school, and the master plan does include expanding the school facilities.

Mr. Newsome asked the enrollment of the school. Pastor Reynolds answered 160-170. Mr. Lair added that they are not there at the same time, there are a maximum of about 120 at a time. School runs from 9:30 am to noon.

Mr. Gingrich asked Mr. Fleming if the comments can be addressed satisfactorily. Mr. Fleming stated that the entrance as it relates to Blackberry Alley and the Lingestown Square Project would have to be addressed. Mr. Beauregard stated they will close the driveway going to Blackberry Alley.

Mr. Guise asked about water to the site. Mr. Beauregard stated they are talking to United Water of PA to tie into the public water system. The size of the improvements to the church will require fire suppression capabilities which will require public water.

Ms. Lindsey asked if the school is a nursery school only, and if students are bussed. Mr. Lair stated it is a nursery school, and there is also a latchkey program for before and after school run by the YMCA.

Mr. Guise asked about the Family Life Center. Mr. Lair stated it is a multi-purpose room: a gym, a place of worship on Sundays, and other activities on other days.

Ms. Lindsey asked if the Family Life Center would be rented out. Mr. Lair stated they are considering it.

Mr. Guise asked if a traffic impact study will be needed. Mr. Fleming did not think so, but asked that it be quantified to be sure. Mr. Guise asked if Sundays are included in a study. Mr. Fleming stated they are, and if the student population is split, there shouldn't be an issue.

There was no comment from the audience regarding this plan.

Mr. Newsome made a motion to recommend approval of the plan, subject to compliance with the comments, and approval of the waiver of the preliminary plan requirement. Ms. Lindsey seconded the motion and a unanimous vote followed.

Proposed Text Amendment to Sections 306.B.1 & 2,
Allowed Uses in Primarily Residential and Business Zoning Districts
Multi-Properties, Inc.

Ms. Wissler stated that the Township has received a proposed text amendment to the Zoning Ordinance regarding Article 3 Districts, Sections 306.B.1 and 306.B.2, Allowed Uses in Primarily Residential and Business Zoning Districts. The request is to allow flats to be added as a dwelling type within the residential uses. Flats would be permitted in the R-3 Zoning District by right, in the R-2 or R-C Zoning Districts with a one-acre minimum tract size requirement and as may be allowed in the TND, Traditional Neighborhood Development Overlay District.

The definition would be added in Section 202, as well as an illustration. In Section 307, flats would be added within housing types. In Section 401, flats would be added to the wording of townhouse and apartment requirements. Staff recommends that section 320 also be changed to include flats with the townhouses.

Mr. Jerry Speece, Alpha Consulting Engineers, was present on behalf of the proposal.

Mr. Newsome stated he does not see a need for this, and asked what will the change allow that cannot be done now. Mr. Speece stated there is a need for people who want this type of housing on one floor. Mr. Newsome asked why this type of building cannot be built under the existing ordinance. Mr. Speece stated it cannot be done in the R-2 zone. Mr. Guise stated it is the same as an apartment, and a townhouse is not required to be multi-story.

Mr. Speece stated that it would have to be an apartment to be allowed under the ordinance. Mr. Guise stated that apartments cannot be connected to townhouses. Mr. Speece agreed. Mr. Newsome stated that townhouses can be rented as apartments.

Mr. Speece explained that the difference is the firewall separation, they are not required horizontally. It will be there vertically on each end, but not between the floor and ceiling.

Mr. Guise noted the definition should say "...above *or below* the other..."

Mr. Newsome stated he does not understand what the applicant can do with this that cannot be done now. Mr. Guise stated that townhouses have to be separated by a firewall, and these will not be completely separated by a firewall.

Mr. Guise asked how the second floor is accessed. Mr. Speece stated that there are stairs, there could be a common entrance or there could be a separate entrance. Mr. Lighty stated that all flats are townhouses, but not all townhouses are flats. Mr. Guise stated that a flat can only be one floor. Mr. Lighty stated that a townhouse doesn't have to be more than one floor. Mr. Guise agreed.

Mr. Newsome asked why this is being proposed and what is the problem. Mr. Speece stated it is the footprint of the building, this will allow the regular townhouse to be one living floor, one above the other. Mr. Newsome stated it would be an apartment. Mr. Speece stated it could be a condo. Mr. Newsome asked why it is not a condo. Mr. Speece stated it does not meet the definition of a townhouse in the R-2. The R-3 allows apartments so it would be fine there.

Mr. Lighty asked how this will affect the density and the look and what the Township wants in the R-2 zones. Mr. Speece stated this will not change the density. Mr. Lighty asked how the R-2 would be altered by this change.

Mr. Speece presented some photographs of flats and traditional townhouses.

Mr. Guise asked about the density. Ms. Wissler stated that the R-2 allows five units per acre and the R-3 allows 8 units per acre. He asked if that would apply to flats. Ms. Wissler agreed it would be a maximum of 5 units per acre. Mr. Guise speculated that the only real advantage is that the unit can connect to a townhouse and it would be permitted in the R-2 District.

Mr. Lighty was concerned that there is not enough information regarding the consequences. Ms. Wissler suggested some research could be done and be brought back to the Planning Commission next month.

Mr. Fleming asked about ownership, separate or common owners.

Mr. Fleming asked about fire protection. Mr. Speece stated that the fire separation will require that the two units be sprinklered where a townhouse would not.

Mr. Grove asked about the location of the firewall. Mr. Speece stated that the fire walls run vertically not horizontally.

Mr. Guise asked if the Township really wants this in the R-2 zone. Mr. Lighty was also unsure. Mr. Newsome did not see why it wouldn't be allowed already. Mr. Guise stated it isn't allowed in the R-2. Mr. Newsome stated that is the point. Mr. Guise stated that this unit can go in the R-3 now and be classified as an apartment. However, in order to get it into the R-2 zone, it has to fit the definition of townhouse and it doesn't. Mr. Lighty asked if this is a way to get a smaller unit into the R-2 District. Mr. Guise stated the density doesn't change, and the square footage does not change. Mr. Speece stated that the unit will still require four parking spaces, which will dictate the spacing, widths and locations of the buildings.

Mr. Guise asked if other municipalities have similar uses, and noted he would like to know what surrounding municipalities have in this regard.

Mr. Grove stated that in Europe a flat is an apartment, and the terms are interchangeable. Mr. Newsome agreed and noted it is interchangeable here as well.

Mr. Newsome would like to see a strong proposal, and how it would be presented to and how it would be handled by the Building Department.

Mr. Newsome made a motion to table consideration of the text amendment. Mr. Beverly seconded the motion and a unanimous vote followed.

Mr. Newsome stated the applicant should bring a design to the Township and see where it can be built. If it cannot be built anywhere, the Ordinance should be reviewed, but if there are locations it can be built, then that is not the Township's problem. The issues and impacts to be considered are: what is allowed in other municipalities; the impact on R-2 District, which has, until now, not allowed apartments; aesthetics; traffic impacts; how it will differ from townhouses; and where they can be built.

PUBLIC COMMENT

There was no public comment.

COMMISSIONER & STAFF COMMENT

Greenway Committee Update

Mr. Newsome stated the Greenway Committee has had several meetings and is working on the Darlington Trail, considering a greenway there.

ADJOURNMENT

The next regular Planning Commission meeting is scheduled for Wednesday, April 8, 2009 at 7:00 pm at the Lower Paxton Township Municipal Center, Room 171.

There is a Business Improvement District workshop meeting scheduled for Monday, April 20, 2009, at 5:00 pm, in Room 174.

Being no further business, Mr. Beverly made a motion to adjourn. Mr. Grove seconded the motion, and the meeting adjourned at 8:44 pm.

Respectfully Submitted,

Michelle Hiner
Recording Secretary