

LOWER PAXTON TOWNSHIP
PLANNING COMMISSION

MEETING MINUTES

June 7, 2023

COMMISSIONERS

PRESENT

Fredrick Lighty
Douglas Grove
Jeff Kline
Everette Hamilton
Sandra Bloom
Kurt Meckes
Courtney Powell

COMMISSIONERS

ABSENT

Lori Staub

ALSO

PRESENT

Nicholas Gehret,
Codes Enforcement Officer
Jason Hinz,
Township Engineer, HRG Inc.
Andrew Bomberger,
Dauphin County PC

CALL TO ORDER

Mr. Lighty called the regular meeting of the Lower Paxton Township Planning Commission to order at 7:00 pm, on the above date in Room 171 of the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

PLEDGE OF ALLEGIANCE TO THE FLAG

The recitation of the Pledge of Allegiance was led by Mr. Grove.

APPROVAL OF MINUTES

No action was taken on meeting minutes.

NEW BUSINESS

ORDINANCE 2023-04

AMENDMENT TO THE ZONING ORDINANCE

to ALLOW AUTO FUELING STATION AS A SPECIAL EXCEPTION IN THE CN DISTRICT

Mr. Gehret stated that Ordinance 23-04 amends Chapter 203 of the Zoning Ordinance, Article III, to modify the Lower Paxton Township Zoning Ordinance to adopt and amend Section 306.B.2.f, "Table of Allowed Uses In Each Zoning District" and Section 403.D.0 "Additional Requirements for Accessory Uses" to allow an auto fueling station as part of a retail grocery store use(Section 403) in the CN, Commercial Neighborhood, Zoning District as a Special Exception.

The Planning Commission has been provided the following information regarding Ordinance 23-04:

- Proposed Ordinance 23-04
- The Application for the amendment to the zoning ordinance
- A copy of the Public Notice

The proposed ordinance was advertised in accordance with the PA Municipalities Planning Code. The Public Notice was posted in the Legal ad column of The Sun on Thursday, June 1, 2023, and Thursday, June 8, 2023. The Application for Amendment to the Zoning Ordinance was sent to Lower Paxton and Dauphin County Planning Commission for review.

Jim Preston, Jack O'Hara, Alex Ororbia, and Joe Gurney were present on behalf of the amendment. Mr. Preston explained that as any new Weis Markets are developed, they all provide fuel as an accessory to the retail grocery sales. The request to amend the zoning ordinance would allow this Weis Markets location to fit the prototype.

Mr. Preston acknowledged that the zoning ordinance will be updated in the future, and they prefer to not wait for that so that they can submit their land development plan for this store without delay.

He stated that the amendment that is proposed includes some protections such as the size the grocery use has to exceed 30,000 square feet, it has to be managed and branded as part of the store, and it is an accessory use only allowed by special exception. This gives the Township additional review and oversight.

If the amendment is adopted, Weis would apply for a special exception before the Zoning Hearing Board, and then begin the land development plan process.

Mr. Bomberger's memo cautioned the Township to review other sites in case this change would inadvertently allow the use in a location where it is not appropriate. He also recommended addressing the hours of operation, and lighting and music levels.

Mr. O'Hara stated that fuel pumps typically have the same hours as the store, which are 7am to 11pm at this location. Some pumps have advertising, but the music is not loud. Mr. Kline asked the percentage of newly built stores that include fuel. Mr. O'Hara stated that eight of the most recent eleven have them, and the three that are in development will have them, so it is prototypical for Weis stores.

Mr. Lighty asked if this would be similar to the location on Wertzville Road location and the applicant agreed that it would.

Mr. Grove asked about the fuel delivery and ease of access for the large trucks. Mr. O'Hara stated it will be designed for convenient delivery.

Mr. Lighty called for questions or comments from the audience. Matthew Neiswender, 4411 Venus Ave, stated he lives behind the store and asked if there will be any sort of buffer between the homes and the proposed access road for tractor trailers.

Mr. Gehret stated that the zoning ordinance requires a buffer area of 30 feet between commercial uses adjacent to residential properties, and in the case of loading areas the buffer is extended to 70 feet. The buffer includes plant screening and detailed requirements for the plantings. Mr. Neiswender asked about time limits of the truck traffic. Mr. Gehret stated that the police enforce the noise ordinance whether or not there is a requirement in the zoning ordinance. Mr. Lighty added that the next step in the process is a land development plan, which is where those things can be better addressed.

Mr. Hinz had nothing to add, but will address the land development plan in detail. Mr. Bomberger agreed he will do the same, but advised that the CN zoning district is intended to allow lighter-intensity commercial uses that complement the neighborhoods surrounding it. With that, he suggested adding a maximum number of allowed fuel pumps, additional screening requirements, and limits for hours of operation.

Mr. Kline asked about any traffic concerns, and Mr. Bomberger noted that will come up again at the LD phase.

Mr. Kline made a motion to recommend approval of the zoning ordinance amendment, as presented. Mr. Grove seconded the motion and a unanimous vote followed.

FINAL SUBDIVISION PLAN #2023-13
PARKWAY FARMS, PHASE 1

Mr. Gehret stated that the Final Subdivision Plan for Parkway Farms Phase 1 consists of 31 dwelling lots, 2 open space lots and the residual tract which totals 31.6 acres. Parcel 35-004-030 will be consolidated with the Residual Tract which will serve as future Phase 2 of the development. The site is in the R-1 Low Density Residential Zoning District with the Open Space Development Overlay. Public streets will be offered for dedication to the Township and the site will be served by public water and sewer.

Mr. Gehret shared the updated phasing plan and number of lots on the plan sheet.

Mr. Hinz had nothing additional to add since this plan was reviewed as a preliminary plan, and this is just an update to the phasing schedule. Mr. Bomberger agreed.

Mr. Grove made a motion to recommend approval of the plan, subject to addressing comments generated by staff, HRG, and Dauphin County. The motion was seconded by Ms. Bloom and approved with a unanimous vote.

FINAL SUBDIVISION & LAND DEVELOPMENT PLAN #2023-15
ELIZABETH VILLAGE, PHASE 1

The Final Subdivision and Land Development Plan for Elizabeth Village Phase 1 proposes to consolidate four (4) existing tracts located off Colonial Road into one (1) parcel totaling 48.013 acres to allow for a 235-townhome unit age restricted community to be developed in accordance with the plan. Phase 1 consists of 17 acres to be developed that will consist of 78 Townhome units within 12 buildings along with the construction of 5 private streets. The site is currently zoned (IN) Institutional which allows for the (RRD) Residential Retirement Development option, that generally accommodates residents aged 55 and older. Private streets are proposed for the development and the community will be served by public water and public sewer.

Waiver Requests:

1. [SLDO: 180-404.C.4] The applicant is requesting a waiver of the requirement to provide all existing natural features a minimum of 100 feet beyond the property's boundary. Staff supports this waiver request to provide all existing natural features a minimum of 80 feet beyond the property's boundary as the Final Plan is consistent to the Preliminary Plan.
2. [SLDO: 180-404.C.5] -The applicant is requesting a waiver of the requirement to provide all existing man-made structures a minimum of 100 feet beyond the property's boundary. Staff supports this waiver request to provide all existing man-made structures a minimum of 80 feet beyond the property's boundary as the Final Plan is consistent to the Preliminary Plan.
3. [SLDO: 180-404.C.8] -The applicant is seeking a waiver of the requirement to provide existing contours on the property and extending a minimum of 100 feet beyond the property's boundary. Staff supports this waiver request to provide existing contours on the property and extending a minimum of 80 feet beyond the property's boundary as the Final Plan is consistent to the Preliminary Plan.

Ron Lucas and Doug Gossert were present on behalf of the plan. Mr. Gossert stated that this plan is consistent with the preliminary plan before the PC last month. The basic difference is the number of lots has been reduced by one. There are 80 EDUs available so they needed to push a building to a future phase. He showed the difference on the projected image of the plan.

Mr. Grove questioned if the number of lighting fixtures is based on engineering calculations, noting that 14 fixtures on the entry road seems like a lot. Mr. Gossert stated that they are working with PPL and hoping to use their fixtures but that hasn't been firmed up yet. The plan meets the basic parameters and they will take Mr. Grove's concerns into consideration. Mr. Grove offered that PA Outdoor Lighting Council has information and resources available. Mr. Gossert stated PPL offers certain packages when purchasing service from them, so he is working through that.

Ms. Powell asked about traffic signals or turning restrictions at Colonial Road. Mr. Gossert stated there is no signal being installed, and left turns are permitted. He added that the strip mall next to this property was required to restrict turning movements because of the proximity to the traffic signal at Devonshire Road.

Mr. Hinz had nothing additional to add. Mr. Bomberger asked that the applicant show the coordination with the property owner for the off-site sanitary sewer improvements.

There were no comments offered from the audience.

Mr. Grove made a motion to recommend approval of the plan, including the three waivers requested, subject to the comments generated by Staff, HRG, and Dauphin County. Mr. Hamilton seconded the motion and a unanimous vote followed.

PRELIMINARY SUBDIVISION PLAN #2023-16
WILSHIRE ESTATES, PHASE 2C

Mr. Gehret stated that the Final Subdivision Plan for Wilshire Estates Phase 2C will consist of a total area of 13.91 acres to be developed in accordance with the plan. Phase 2C will contain a total 16 single family dwelling lots with one open space lot. The site is in the (R-1) Low Density Residential Zoning District and the (R-2) medium Density Zoning District. All homes will be served by public sewer and water supply. No new waivers have been requested for this plan.

This is the final phase of Wilshire Estates. Mr. Kline asked if it is common to have a development that is in two zoning districts. Mr. Lighty noted it sometimes happens when a developer combines parcels to create the development. Mr. Gehret added that there are townhouses in the R-2 section of Wilshire Estates.

Conner Sturges was present on behalf of McNaughton Homes. He stated he has received the comments on the plan and has no issues with them.

Mr. Hinz had nothing to add, nor did Mr. Bomberger. No comments were offered from the audience.

Mr. Meckes made a motion to recommend approval the plan, subject to the comments generated by Staff, HRG, and Dauphin County. Mr. Grove seconded the motion and a unanimous vote followed.

PRELIMINARY/FINAL SUBDIVISION & LAND DEVELOPMENT PLAN #2023-08
NISSLEY PROPERTY

The Preliminary/Final Subdivision and Land Development Plan for the Nissley Property proposes 40 single family lots, including the existing dwelling and 4 open space lots on the 29.07 acres tract . Access to the proposed development will be provided by a connection to Parkway West and the extension of Mance Drive. The site is in the R-1 Low Density Residential Zoning District with the Open Space Development Overlay. Public streets will be offered for dedication to the Township and the site will be served by public water and sewer.

Waiver Requests:

1. [SLDO: 180-503.F(14)] -The applicant is requesting a waiver of the requirement to provide interior planting islands within the cul-de-sac tum around area due to the concerns of long-term maintenance, snow removal, emergency access, and conflicts with utilities. Staff supports this waiver request for the reasoning provided.
2. [SLDO: 180-503.J(4)] -The applicant is requesting a waiver of the requirement for a street that intersects a collector street shall either intersect directly opposite to each other or shall have the minimum separation distance of 600 feet. The applicant is requesting that the separation distance be reduced to 280 feet based on the site frontage limitations and impacts necessary to be in compliance with the ordinance. Staff supports this waiver request due to the proposed configuration not creating any noticeable safety issues and Mary's Way being located to maximize sight distance to the south where it is limited. The location of Jacks Place cannot be moved North because of the existing wetlands.
3. [SLDO: 180-508.B.I] - The applicant is requesting a waiver of the requirement that all sidewalks must be constructed no closer than four inches to the street right-of-way line and extend toward the curb line. A grass planting strip shall be provided between the curb and the sidewalk. Staff supports this waiver request due to the proximity of existing wetlands along areas of Parkway West, it is requested to construct the sidewalk without the grass planting strip for 445 linear feet along Parkway West.
4. [SLDO: 180-515.E(l)(a),(2)(a)& (2)(b)] - The applicant is requesting a waiver from the requirement that street trees shall be required based on the quantity of one street tree per every 50 linear feet to be calculated as (1) street tree per every 80 linear feet. Second, to waive the maximum distance permitted between street tree to 75 feet on center maximum. Third to modify the required planting location from in the street verge area

and be centered between the back edge of the curb and the front face of the sidewalk to 5 feet from the right-of-way line within the proposed lots.

Staff supports this waiver request due to the project being developed under an Open Space Development Overlay to protect environmentally sensitive areas, permitting the lots to be smaller, which limits the space for the street trees to be placed. The proposed streets have proposed stormwater infrastructure within them and placing trees within 10 feet of the proposed storm drainage pipes is not permitted. The plan has provided for adequate street trees where feasible.

5. [SWMO: 170-502.M(15)] -The applicant is requesting a waiver from the requirement that all inlets shall provide a minimum two-inch drop between the lowest inlet pipe invert elevation and the outlet pipe invert elevation.

Staff supports this waiver request due to the existing culvert pipe having minimal cover and the proposed pipe from I-H2 needing to be constructed with a minimal slope to accommodate these existing grades, proposed inlet 1-H1 has no two-inch drop between inflowing and outflowing pipes.

Mr. Lighty questioned the location of the sidewalk adjacent to the curb. Mr. Gehret stated that by allowing this, it lessens the impact on the wetlands. The curbs are vertical, not slant.

Mr. Meckes questioned the impact of the recent supreme court ruling that says the EPA no longer has jurisdiction over wetlands. Mr. Bradley noted the ruling comes into play if there is a wetland that does not flow to a larger body of water, however this is an unnamed tributary, and further, the state of Pennsylvania has requirements in place that negate the relief from the federal level.

Mr. Grove commented that the landscaping plans look like they will work well, but according to lighting plans there are only eight street lights.

Ms. Powell questioned the iron pipe. Mr. Bradley explained that it is a found property marker and helps retain the originally surveyed property boundaries.

Mr. Hinz stated that the only location that the sidewalk and curb are adjacent is along Parkway West, the rest of the neighborhood meets the requirement with the planting strip. Mr. Lighty explained that when the sidewalk is next to a slant curb people tend to turn their ankle and suffer an injury. Mr. Bomberger had nothing to add.

Mr. Grove made a motion to recommend approval of the plan including the waivers, subject to the comments generated by Staff, HRG, and Dauphin County. Mr. Hamilton seconded the motion and a unanimous vote followed.

PUBLIC COMMENT

Mr. Lighty asked for comments from the audience on anything not on the agenda. There were none offered.

COMMISSIONER COMMENT

Mr. Lighty asked for comments from the Planning Commission members. There were also no comments offered from members.

ADJOURNMENT

The next regular Planning Commission meeting is scheduled for Wednesday, July 5, 2023, at 7:00 pm at the Lower Paxton Township Municipal Center, Room 171.

Being no further business, the meeting adjourned at 8:00 pm with a unanimous vote.

Respectfully Submitted,

Michelle Hiner
Recording Secretary