

LOWER PAXTON TOWNSHIP
PLANNING COMMISSION

January 9, 2008

COMMISSIONERS PRESENT

Fred Lighty
Richard Beverly
Dennis Guise
Ernest Gingrich
William Neff

ALSO PRESENT

Lori Wissler, Planning & Zoning Officer
Dianne Moran, Planning & Zoning Officer
Bob Grubic, HRG, Inc.
Chip Millard, Dauphin County Planning Commission

CALL TO ORDER

Mr. Lighty called the regular meeting of the Lower Paxton Township Planning Commission to order at 7:07 pm, on January 9, 2008 in Room 171 of the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

PLEDGE OF ALLEGIANCE TO THE FLAG

Mr. Lighty led the recitation of the Pledge.

APPROVAL OF MINUTES

Mr. Beverly made a motion to approve the minutes of the December 12, 2007 regular meeting. Mr. Gingrich seconded the motion, and the minutes were approved as submitted.

OLD BUSINESS

NEW BUSINESS

Vinnie Cotrone, PA State Forester
Presentation Regarding Planting Techniques Within Stormwater Basins

Mr. Cotrone discussed his Power Point presentation with the Planning Commission and Staff.

Ordinance 08-01
Rezoning Application for Robert Brightbill
Lakeside Marina, Carolyn Street

Ms. Wissler stated that the Township has proposed an amendment to the Township's Zoning Map for six parcels located north of Carolyn Street: 35-043-017, 35-043-047, 35-043-001, 35-043-002, 35-043-023, and 35-043-039. These properties are currently zoned R-1, Low Density Residential District. The amendment would rezone these properties to CG, Commercial General District.

The subject parcel is abutted to the north and west by the R-1, Low Density Residential District, to the east by the CG, Commercial General District, and to the south across Carolyn Street by the R-1 and CG Districts. The 2004 Comprehensive Plan's Future Land Use Map shows the area to be Low/Medium Density Residential. The existing uses of the properties are Lakeside Marina, four single family dwellings, and one vacant parcel.

Mr. Millard stated that the Township's comprehensive plan identifies the future land use for the entire area impacted by the rezoning as being Low/Medium Density Residential. The existing R-1, Low Density Residential zoning is more consistent with the targeted land use than the proposed CG, Commercial General zoning. The Dauphin County comprehensive plan identifies the future land use for the tracts in question as being partially Commercial Service and partially Residential. More specifically, all of tax parcel 35-043-002 and the southern halves of tax parcels 35-043-023 and 35-043-047 are recommended for commercial uses and tax parcels 35-043-001, 35-043-017, and 35-043-039 and the northern halves of tax parcels 35-043-023 and 35-043-047 are recommended for residential uses. The rezoning request is partially consistent with both the existing zoning and the proposed zoning.

The three westernmost tax parcels, 35-043-023, 35-043-039, and 35-043-047, contain a marina, a commercial retail property. The bulk of the development for the marina is located on tax parcel 35-043-023, the southwest tract in the rezoning request.

The lands east of the tracts covered in the rezoning request are currently zoned Commercial General and the lands north, west, and south of the tracts covered in the rezoning request are currently zoned Low Density Residential. There are small, individual, residential lots along Carolyn Street that are directly south of tax parcels 35-043-023 and 35-043-047. There is also one small, residential lot immediately west of tax parcel 35-043-047. Tax parcel 35-043-047 is the largest tract included in this rezoning request.

After reviewing the proposed revisions, the DCPC recommends the proposed zoning change from R-1, Low Density Residential to CG, Commercial General be approved only for tax parcels 35-043-001 and 35-043-002, east of Fenway Drive. These two parcels have Commercial General zoning and development directly to their east, and Fenway Drive only provides access to some of the properties in this rezoning request, meaning the impact of commercial development on these properties on the nearby, residential development would be minor. The remaining properties in this request are either west or north of Fenway Drive and are adjacent to residential zoning and development. Large-scale commercial development on these properties, especially those abutting the residential development to the west, could have a significant, negative impact on those residential uses. The Commission does realize the marina is already located on two of these tracts near the residential development to the west, and has some degree of impact on the nearby residential development, which the residents have probably adjusted to over time. However, the CG zone allows for a wide variety of commercial uses, some of which could have a much higher impact on the surrounding areas than the marina does. In order to protect the nearby residents from potential, negative impacts of large-scale commercial development, the Commission would like to propose the remaining tax parcels 35-043-017, 35-043-023, 35-043-039, and 35-043-047 be rezoned to R-2 in keeping with the type of development currently in place in that neighborhood.

In addition to the primary recommendation, the Commission suggests the township consider consolidating tax parcels 35-043-023 and 35-043-039 together if possible. Combining these two tracts would allow the two, primary, marina-oriented properties to be in one tract. The township should also consider consolidating currently the landlocked tax parcel 35-043-017 into 35-043-047 to eliminate the landlocked situation with the former parcel.

Mr. Lighty asked if the Township has considered the County's recommendations. Ms. Wissler stated she has not been able to review them prior to the meeting, but noted that the Marina does utilize the lake area as well.

Mr. Lighty called for public comment.

Ms. Jill Briggs, 94 Suffolk Road, stated she and her neighbors have concerns about the rezoning. Her neighborhood is wonderful, quiet area comprised of young families with children, seniors and middle aged adults. They feel the area should be residential. She asked why the request was made and what may come of it. Ms. Wissler stated that the land had been zoned commercially, and the new map in 2006 changed it to residential. Ms. Wissler brought the issue before the Commission last month because there is a commercial use on the property, and had previously been zoned commercial. Ms. Briggs asked about the impact to the owner of the Marina. Ms. Wissler stated that the Marina becomes a pre-existing/non-conforming use because it is not a permitted use in the R-1 zone. The Township felt it should be zoned commercial. Ms. Briggs noted that the Marina has been a good neighbor but the owner could change tomorrow and the new owner could be less so. Ms. Briggs asked why the parcels that do not include the marina should be rezoned to commercial. Mr. Lighty stated the request is to return them to their original zoning. Ms. Briggs thought it would be nice to have more houses there with the exception of the Marina. Mr. Lighty asked if Ms. Briggs' comments meant that she is okay with the lands of the Marina being commercial, but the other parcels should not be commercial. She answered yes. Mr. Millard explained the County's recommendation on the map for the audience.

Ms. Briggs asked what the next step would be to make sure the voices of the neighbors are heard.

Mr. Ron Yerger, 8 Carolyn Street, questioned how many mistakes were made with the rezoning, citing a mistake that was corrected a few months ago. He agreed with the County's proposal that the lands next to Hoffman Ford be commercial. He expressed his frustration with the process, and felt that a second change may also be a mistake. The lake and flood plain area will be negatively affected if the land should develop commercially.

Mr. Lighty noted that the rezoning that took place in July 2006 encompassed tens of thousands of parcels, three mistakes out of that number is not so bad.

Mr. Dave Sites, 11 Carolyn Street, questioned the difference between R-1 and R-2. Mr. Millard explained that the current zoning is R-1, Low Density Residential District.

Ms. Sandy Hodges, Suffolk Road, has lived there since 1990. She hoped that the reason for the change is that the business that is there now needed the change, and she can appreciate that. Her

concern with changing all six parcels to commercial is that they could all be sold to a big box type developer and she does not want to live behind a large store like that. She was also concerned that someone would buy it and plow in the lake and wetlands. Ms. Hodges questioned the recommendation to change R-1 to R-2. She felt that if the land shouldn't be CG, it should just stay R-1, not go to R-2.

Mr. Millard explained that R-1 is low density and R-2 is medium density. The existing development density is such that it fits more in R-2 regulations than in the R-1 because of the small lot sizes. Even though that would make it different than the existing neighborhood, what would be permitted there would actually be more consistent. Mr. Lighty explained that the difference is density, so in R-1 there are fewer houses allowed per acre, and in R-2 you can have more. If the land were developed under R-2 rules, you'd get similar sized houses on similar sized lots.

Ms. Hodges asked if the wetlands and lake could be filled to build a Wal-Mart. Mr. Lighty stated that wetlands are protected. Mr. Grubic stated it is highly unlikely that the wetlands will be disturbed.

Ms. Shirley Kautter, 82 Suffolk Road, stated she doesn't want it changed. She asked if R-2 allows townhouses. Ms. Wissler answered yes. Ms. Kautter did not want townhouses there, she felt it should remain R-1. She asked why no one knows who owns the land-locked piece of land. Ms. Wissler stated Mr. Brighbill owns it and it is part of the request.

There is a strip of land between the homes on Suffolk Road and Mr. Brighbill's lands that is a leg of land owned by Village Knoll apartments to the north. Ms. Kautter noted that years ago she was told by the Township that no houses would be built there because the area was flood plain. That area now has four houses on it. Ms. Kautter stated she wants to keep that land R-1, and felt that houses would be fine, but not multi-family houses.

Mr. Lighty stated that the Planning Commission makes a recommendation to the Board of Supervisors, who will make the decision. They will also conduct a public hearing, and notices will be sent out again to notify the neighbors.

Mr. William Baer, 15 Suffolk Road, asked about the woods. Ms. Wissler stated that the leg of land is owned by the apartments. Mr. Baer was concerned that when it is developed the apartment people will have access to that land. Ms. Wissler noted that they may gain access to it whether they build houses or a commercial building. He noted that you can hear parties at the apartments, and doesn't want to have the parties on that strip of land in the future.

Mr. Dave Breon, 85 Suffolk Road, stated that he was told in 1969 nobody could build nothing in the small woods there because nobody owns it. Ms. Wissler stated that land is owned by the apartments. Mr. Breon asked about a buffer between the Brighbill lands and the existing neighborhood. Ms. Wissler stated that the leg of land is not part of this consideration. It will remain R-1. The buffer between a commercial lot and a residential lot is 40 feet. Between R-1 and R-1, 30 feet is required for a rear yard and 10 feet for a side yard.

Ms. Briggs asked the role the Board of Supervisors plays in a rezoning. Mr. Lighty explained that the Board of Supervisors will consider the issue and the neighbors should also take their comments directly to them. Mr. Lighty stated that the same letters will go out to notify the neighbors of the meeting.

A resident asked why some people received letters and some did not. Ms. Wissler presented the list of 6 pages (30 per page) worth of addresses where the letters were sent. She noted that the notices specifically tell the recipient to tell their neighbors about it. Mr. Lighty noted it is also advertised in the legal section of The Patriot-News, and appeared on the Township website.

Ms. Kautter asked for clarification on location of the Marina and the subject parcels. She suggested that only the lands that encompass the business be changed, and the rest of Mr. Brightbill's land remain residential.

Ms. Wissler stated that it is staff's recommendation to rezone only the portion of land as follows: the two most southern lots (35-043-023 and 35-043-002), the eastern most lot (35-043-039) to the east of Fenway Drive, and the southern portion of the largest lot (35-043-047). Mr. Grubic agreed with the recommendation. Mr. Lighty stated the Commission does not typically like zoning lines to not follow parcel lines, but agreed the recommendation sounded like the best solution.

Ms. Kautter understood that the land had been commercial before the rezoning, but pointed out that the Brightbill's will not own the land forever, and it could be bought by anyone. Mr. Guise understood the neighbors' concerns.

Mr. Guise made a motion to recommend to the Board of Supervisors, that the Township rezone the parcels as described above, from R-1, Low Density Residential District to CG, Commercial General District, and that the northern portion of parcel 35-043-047 remain R-1, Low Density Residential District. Mr. Neff seconded the motion and a unanimous vote followed.

Preliminary/Final Subdivision Plan #08-01
4220 Linglestown Road

Ms. Moran stated that the purpose of this plan is to subdivide Lot 2 from lands owned by Kimbob Inc. resulting in two separate lots. The property is 12.70 acres, Lot 1 will contain 10.70 acres and the newly created Lot 2 will contain 2 acres. The property is zoned CN, Commercial Neighborhood District, is located west and north of the Sheetz property at the intersection of Colonial and Linglestown Roads. No improvements or changes in use are proposed for this plan.

The applicant has requested a waiver of the requirement to provide a preliminary plan.

Mr. Paul Navarro, Navarro and Wright Engineers, was present on behalf of the plan.

Mr. Neff asked about previous plans for this site. Ms. Moran stated that there were plans for a Pinnacle Health office, and a Hoss's restaurant, but nothing has materialized.

Mr. Neff asked about the total lot area as it relates to the right-of-way of Forest Lane, Linglestown Road and Colonial Road. Mr. Grubic stated that the deed is probably written to the centerline of the road, but the area is subject to the right-of-way being netted out.

Mr. Millard asked if there will be any issues with all of Lot #1's frontage along Colonial Road being in a FEMA designated flood plain area. Mr. Navarro stated that this plan is only to subdivide the lot off, and does not propose development at this time. He speculated that a Letter of Map Revision (LOMR) will be pursued at that time. Mr. Lighty stated that two previous plans said they would do the same thing, but it has never developed. Mr. Navarro was not familiar with the Pinnacle project, but noted that a hydraulic study had been performed preliminary to the filing of the LOMR, that will have to be approved by FEMA prior to any improvements or construction to service that lot.

Mr. Gingrich stated that the FEMA flood plain is shown on the plan. He recalled that the Sheetz property did a detailed study, which showed how the entire area has been modified, but it is not shown on this plan.

Mr. Grubic asked if the flood plain shown is from the 1975 FEMA maps or if it is a current delineation. He noted that there was a stream running down the middle of this land, but that has been relocated to run along Forest Lane, and the majority of the land was filled. Mr. Navarro stated that the flood plain shown on the plan is from the original FEMA map, prior to the filling operations or any actions taken by Sheetz. He has obtained copies of hydraulic studies, which will be referenced when the property develops. Mr. Navarro asked if the Township has a copy of the detailed study from Sheetz. Ms. Wissler will check the files, but felt that she probably did.

Mr. Grubic stated there is a 114" culvert that carries the stream under the abandoned driveway and then under Linglestown Road. That culvert was put in after the original flood plain delineation in 1975, and was installed concurrently with the relocation of the stream. Mr. Grubic stated that means that the plan shows the old flood plan, and the new stream.

Mr. Navarro will look into this further. He noted that there was a permit obtained for the fill activity. Mr. Wissler questioned if Mr. Navarro has a copy of that permit, because the Township has never been able to get a copy of it. Mr. Navarro stated that the LOMR has not been filed yet.

Mr. Navarro stated that this plan is simply to subdivide two acres off the remaining tract, and any future development would go through the land development process and get the necessary permits at that time.

Mr. Lighty asked if the applicant has any other questions relating to the comments. Mr. Navarro asked about Staff's general condition #4 regarding the E&S plan. He noted that there is no development proposed at this time. Ms. Moran stated that can be indicated in the written response to the comments.

There was no comment from the audience.

Mr. Guise made a motion to table consideration of the plan to give the applicant the opportunity to work out the accurate delineation of the flood plain, and address the balance of the comments. Mr. Beverly seconded the motion and a unanimous vote followed.

Public Comment

There was no public comment.

Commissioner & Staff Comment

Ms. Wissler distributed copies of the Greenway Plan for the Commissioners to review. The Greenway Plan is an amendment to the Comprehensive Plan and will be on the agenda for the February Planning Commission meeting. Mr. Lighty asked for a chronology of the process.

Adjournment

The next regular Planning Commission meeting is scheduled for February 13, 2008, at 7:00 pm at the Lower Paxton Township Municipal Center, Room 171.

Being no further business, the meeting adjourned at 9:00 pm.

Respectfully Submitted,

Michelle Hiner
Recording Secretary