

LOWER PAXTON TOWNSHIP
PLANNING COMMISSION

June 11, 2008

COMMISSIONERS PRESENT

Fredrick Lighty
Roy Newsome
Dennis Guise
Ernest Gingrich
William Neff
Richard Beverly
Douglas Grove

ALSO PRESENT

Dianne Moran, Planning & Zoning Officer
Lori Wissler, Planning & Zoning Officer
Stephen Fleming, HRG, Inc.
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 7:05 pm, on June 11, 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 May 14, 2008 regular meeting as well as the minutes from the May 20, 2008 workshop meeting. Mr. Newsome seconded the motion, and the minutes were approved as submitted.

NEW BUSINESS

Rezoning Request

Martin L. Schoffstall Children's Trust, et al

Devonshire Road, Parcel 35-061-084

Ms. Moran stated that the Township has received a proposed amendment to the Township's Zoning Ordinance, to rezone property located on the south side of Devonshire Road approximately 1,600 feet east of the intersection of Devonshire Road and Hampton Court Road. The property is currently zoned R-1, Low Density Residential District. The intent of the application is to rezone the property to IN, Institutional District. The property consists of 7.0337 acres and will be served by public sewer and public water. The property contains no wetlands or 100-year floodplain areas within the project area.

Ms. Moran stated that Dauphin County Planning Commission's letter says that the Commission recommends denial of the application due to the significant increase in density and further recommends the land be developed using Section 315, Age Restricted Residential Development.

William Hornung and Jeffrey Staub were present on behalf of the plan.

Mr. Staub stated that the reason for the request, is that retirement development is only allowed in the IN, Institutional District. There is no other way to do it under the ordinance. The number of units proposed is 31, at a density of about 4.5 units per acre. The density proposed is slightly less than that allowed in the R-2, Medium Density Residential District. He explained that the main reason they are here at the meeting is to gather public comment.

Mr. Hornung stated that there is already an approved plan for this site. The housing proposed with that plan is not very sellable at this time in the market. The location is a difficult one for the price that would be demanded in the R-1 zoning. Residential retirement is in demand right now. Mr. Hornung stated the residential retirement units would be priced at about \$225,000 to \$250,000, and a community building is proposed. The proximity to shopping and other amenities are ideal for this type of development.

Mr. Hornung stated that the residential retirement development dictates a certain age group, which does not typically have school children. Because of this, the development will improve the tax base, without utilizing the school system. Retired people work less, or work at hours that are not typical rush-hour times. Studies show that the demand on traffic is less. This age also uses less of other things supported by taxes, such as sewers and police forces.

Mr. Lighty called for comments from the audience.

Ms. Judith Himes, 5580 Devonshire Road, appealed to the Commission, representing the citizens that live near the subject parcel. She has spoken to residents aged 60 plus, who do not want this zoned IN. Their main comment is that there are too many other undesirable things that can go in the IN zone. These people bought their homes 30, 40 or 50 years ago in the good faith that the Township would support them, and they do not feel homes should be clustered like this in this residential area. Ms. Himes stated there is a big problem with Devonshire Road, and if these homes would empty onto Devonshire Road. Getting into or out of a driveway is ridiculous with the speeding traffic. 31 units could add 62 cars on that road. The citizens do not want this done. The Township should support them and do the right thing.

Ms. Himes apologized to the applicant and the citizens for the letter that appeared in The Paxton Herald. The reference to apartment buildings, high rises, and other buildings was erroneous. She stated that she should have checked her facts before sending the letter, and noted that Ms. Antoun expounded on the comments a little bit.

Mr. Staub stated that The Paxton Herald article confused the Parmer Foundation's rezoning (on Fairmont Drive) request with this one.

Ms. Renie Wendt, 5400 Locust Lane stated that 31 homes does not seem like a tremendous impact, but she is concerned about the IN zoning. She suggested that it could create a problem in the future. She asked if it would be possible for the Township to designate a zoning district for this type of development, so that it is not lumped with the undesirable uses allowed in the IN. She felt it is common sense to put it in a zone where it belongs, rather than where it is.

Mr. Al Schroff, 1441 Haney Drive, stated that, although he is not directly affected, the entire Township is affected by all of these zoning changes. He stated that the zoning map was done in 2006, and since then it keeps changing. It appears that all of the Institutional District zonings take place on vacant ground in the R-1 zoning. To change this to IN, it goes against the objectives of the zoning ordinance. One objective is to provide for a nice even transition from one district into another. Here it goes from low density to high density to low density again. Mr. Schroff felt it is time to change the IN zone. It should be split and no longer be a catch-all. He will go to the Supervisors meeting and propose such a change.

Mr. Schroff stated he read some minutes from a workshop meeting where the Commission is working on ways to attract more retail businesses and customers to the Township. He noted that when a business looks into a new location it looks at surrounding zoning, and the IN may not be very desirable to a retail business. He noted that retired people shop in limited places because they do not have a lot of disposable income, which a retail business would be looking for. He suggested that zoning this land Institutional would be taking a step back in the Township's present objectives.

Ms. Peggy Wohlfarth, 5381 Wilshire Road, stated that she has timed how long it takes to get out onto Devonshire Road, it can take 14 to 17 minutes. When the residents asked for a traffic signal, the Township told them that there are already too many lights. She noted that there is no other way into their neighborhood. Ms. Wohlfarth suggested the Township stop worrying about building up the tax and worry about the present residents. She stated that she was under the understanding that nothing could be built on this lot. Ms. Wohlfarth noted that when the house was built on the hill, similar to what is proposed with the rezoning, the people down the hill had terrible water problems. Ms. Wohlfarth noted that seniors go out all the time and nobody shops more than a senior. She noted she also does drive during rush-hour times. Mr. Hornung stated that he was referring to statistics, which say that a residential retirement development creates about half as much traffic as a traditional development.

Ms. Wohlfarth asked why a Supervisor is representing this issue, when the people have not had their say, nor the Planning Commission who is supposed to recommend to the Supervisors. She also questioned why the Board of Supervisors ignored the Planning Commission's recommendation on another plan, doing something the people were against. She noted she does not like the politics that she suspects.

Mr. Hornung stated that Mr. Schoffstall is a business partner of his on several other business ventures. He noted that he does abstain from any plan or action that comes before the Township that involves his businesses. He stated that this has been educational for him. Sitting on the Board is one thing, but it is very different to be the developer or other person sitting on this side. He is experiencing things that the governing body makes a developer do which increase the cost of the project, and that cost is passed on to the consumer. It may not be worthwhile, or add value to the house or community. Mr.

Hornung stated he is not being paid for his time, he has done it as an exercise to learn from. He noted he will probably withdraw the plan. Mr. Hornung agreed with the point that the zoning is tied to the land, and the land could be bought by someone that does not feel the way the current owner does, and could do something very different than what was intended. Mr. Hornung cited the golden rule, and felt that if he were a neighbor, he probably wouldn't want this to go through either. He came to the meeting with the intent of pulling the plan, and gathering public input. He does not feel comfortable with it enough to pursue it. Mr. Hornung noted he does not want to cause ill will for anybody.

Acting as an agent of the owner/developer of the land, Mr. Staub officially withdrew the rezoning application.

Ms. Wohlfarth asked when the withdrawal will take place and how she can see it in writing. Mr. Lighty explained that the application has been withdrawn, and it is over. If they wish to seek a rezoning in the future, they must start from scratch, pay the fee again and so forth. He noted that anyone can ask for a rezoning, and the Township listens to all of them, regardless of merit, there is a right to petition your government, but it doesn't mean they will be granted a rezoning. The plan has not been tabled where it would come back at another meeting, it is simply over.

Mr. Lighty noted that Mr. Hornung is present to hear from the public and asked if anyone else had comments to offer.

Ms. Wendt asked how to properly address the issue of changing the Institutional District zoning. Mr. Lighty stated that the Board of Supervisors make the ultimate decision, but zoning changes often start at the Planning Commission level, so either forum is appropriate. Mr. Lighty noted that this is not the first time the Township has wanted to allow the residential retirement development, but was limited to the Institutional District, which does allow other undesirable uses. The Commission has discussed relooking at the ordinance, to allow a retirement housing community another way. The Supervisors are also thinking about a change.

Mr. Hornung stated he will make a proposal to the Supervisors to address this. The obvious problem is all of the other uses allowed in the Institutional District, that nobody would want to live around. He would like to develop a district that would provide very restrictive design so that these communities can be built in an aesthetically pleasing way that also addresses all of the needs of a community. Mr. Hornung noted that IN allows a density of 10 per acre, and felt that was too much for any part of the Township. He noted that if he were shopping for such a home, he would be in the range of \$200,000 to \$250,000, but the economics drive a home on an acre or half an acre well into the \$400,000 range.

Mr. Hornung stated that he welcomes public comment, and encouraged the residents to speak their mind and voice their opinions and suggestions. He felt it improves the community as a whole. He noted that a side effect of coming out as a group for or against something brings neighbors together who otherwise do not interact. He felt there is a better end-result if the people are involved.

Ms. Himes asked when the discussions will be in print. Mr. Hornung stated that agendas and minutes are posted on the website. Mr. Lighty stated that the minutes provide an official record of the

things that transpired at the meeting. He noted that a recommendation doesn't even go to the Board of Supervisors, it simply stops here.

Mr. Schroff requested the Township to update its website, and noted the minutes are always a month behind. Mr. Lighty explained that the minutes may not be published until they are approved. The minutes from the May meeting were approved tonight, so they can now be put on the website. He also noted that the agendas are not set until the Friday before the meeting, so that is the earliest it can be posted. He also noted that there is one person at the township who maintains the website, so a delay in posting is understandable.

Mr. Hornung told Ms. Himes that he will call her using the phone number published in The Paxton Herald, to alert her of any changes, so she can then tell the rest of the neighbors.

A resident asked about the Wilshire Estates plan. Mr. Hornung stated that is an approved plan. She asked if there would be a second entrance for her and her neighbors through that development. Mr. Hornung stated he would talk to the Township Manager to see if the lights could be timed so that the lights all stay red for about a minute to allow for a break in traffic so cars on the side streets can get out onto Devonshire Road.

Mr. Josh Hercher, 1221 Barley Corn Square, stated he was concerned about the long term planning for the Township, especially in this area. If the Township keeps adding things and filling in every piece of open space, it will soon be undesirable to live here. The traffic will get so bad that people will move away. The Township will lose its residential base if it gets too dense because it will not be livable. He noted he hears a lot about developments, but doesn't hear anything about improving the roads or the traffic patterns. He suggested the roads and traffic be improved before approving more projects. He also noted that the Township needs open space and cannot develop it wall-to-wall residents. He felt the Township was at peak density already.

Mr. Omar Syed, Dauphin County Planning Commission, noted that in the R-1, Low Density Residential District, there is an option called age-restricted development, which allows for 15% more density. Mr. Staub stated that option would allow for 18 single family homes on this property.

Preliminary Subdivision Plan #07-27
Estates of Autumn Oaks

Ms. Moran stated that this plan proposes 91 single family dwelling lots and one lot reserved for the installation of the United Water tank. The property is located off of Patton Road, is zoned R-1, Low Density Residential District and consists of 177.49 acres. Lots 67, 68 and 96 (water tank lot) are located partially within the CO, Conservation District. The property will be served by public water and public sewer.

The following waivers have been requested:

1. Waiver of the 400' minimum street intersection separation for local streets.
2. Waiver of the requirement of curbing and widening of existing abutting streets.

3. Waiver of the requirement to provide vertical curb.
4. Waiver of the requirement to provide Type "C" inlet grates in streets.
5. Waiver of the requirement to provide low flow channel and basin under drain required in basins.
6. Waiver of the maximum cul-de-sac length of 600'.
7. Waiver of the prohibition of islands within cul-de-sac turnarounds.
8. Waiver of the street cartway widths.
9. Waiver of the street horizontal curves.
10. Waiver of the maximum slope requirement of a collector roadway.
11. Waiver of the street vertical curve design requirements.
12. Waiver of the street leveling requirements at street intersections.
13. Waiver of the maximum detention basin berm slope height of 8' and maximum side slopes of 3:1.

Ms. Moran stated that Dauphin County reviewed this plan in its original form. The only change to it is a reconfiguration of the lots to change the lot sizes. Four lots were lost as a result. The Planning Commission reviewed the plan and recommended approval at the December 12, 2007 meeting.

Joel McNaughton, The McNaughton Company, stated that 10 of the 13 waivers were approved at the December 12th meeting. The plan has been revised to make all lots one acre in size and larger. The requirement is 20,000 square feet minimum. There are now 91 units plus one lot for the water tower.

With regard to the Autumn Oaks development in general, Mr. McNaughton stated that he has provided Ms. Moran a signed copy of the agreement for roadway improvements for Patton Road. That will go to the Board of Supervisors at the June 17th meeting. The realignment of Patton Road will be done in conjunction with the cluster part of the development. After meeting with the Parks and Recreation Board and the Board of Supervisors, certain improvements will be done to accommodate a Township bikeway along Patton Road and a nature trail through the site up to the power line easement, as part of the desired Township Greenway.

Mr. McNaughton stated he has received the comments and feels he can address them.

Mr. Neff asked who will own the water tower lot. Mr. McNaughton stated United Water of PA will own it.

Mr. Neff questioned the islands in the cul-de-sac. Mr. McNaughton stated that a waiver was requested to allow for the islands to be installed, since the current SALDO does not allow it. Mr. Mellott stated that most of the waivers are consistent with the draft SALDO, but it has not been formally adopted yet, so the waivers are necessary for relief from the existing ordinance.

Mr. Neff asked if the entire site will be covered by a homeowners association. Mr. Mellott stated that is correct. Mr. Neff asked who will be responsible for the maintenance of the basin. Mr. Mellott stated that all stormwater facilities not in a public right-of-way are the responsibility of the homeowners association. The basins in the cluster portion of the development are in open space. The basins in the upper section are on private lots, but the maintenance is the responsibility of the homeowners

association. Mr. Neff stated it is unusual to have basins on private lots. Mr. McNaughton stated it is becoming more common and is in the planned communities act. They are on fee simple lots, but are carved out to be their own planned community lots. Mr. Mellott added that there are easements to distinguish the area.

Mr. Neff was concerned that future owners may not convey that information to the next owners who may think they own that property. He asked that something be specifically written into some mechanism to reduce potential disagreements in the future. Mr. Mellott felt that the establishment of the drainage easement, which does include detailed language, will address that. There will also be covenants and restrictions in the lot owners' documentation. The line will be there whether it is a property line or an easement, and if someone wants to dump rubbish they will do it there or in the open space or anywhere. The drawback is that if it is a property line, it alters the setbacks for that home. The easement line doesn't change the setbacks. If they were separate lots, they would not meet the zoning requirements, such as street frontage, area requirements, etc. Mr. Mellott stated that these are valid concerns, and the applicant has worked on them over time to improve them.

Mr. Neff asked if something could be put in the deeds. Mr. Lighty stated that when a lot is sold, they have to abide by the covenants, restrictions and policies from the homeowners association.

Mr. Newsome also noted the concern, but was more interested in maintenance access to these areas, with a lack of a defined or route easement. Mr. Mellott stated they will also work with PPL for access to some of the areas. There is an easement from a public right-of-way to every facility.

Mr. Newsome requested a completed copy of the documentation when it is available, for his own knowledge. Mr. Mellott agreed.

Mr. Syed stated that the municipality inspects the basins. If there is a problem, the Township will notify the responsible party.

Mr. Fleming stated he did not have any additional comments, and noted he has worked with the developer to address the comments.

Mr. Lighty called for comments from the audience.

Jeffrey Staub, representing the potential buyers of the Estates of Autumn Oaks, stated he did an independent review of the preliminary plan. He asked about a waiver request regarding the maximum grade of a minor street. There is at least one minor street that exceeds the 10% maximum grade. Mr. Mellott stated those waivers were requested and approved. Mr. Staub stated the waiver is for collector streets only. Mr. Fleming agreed with Mr. Staub's comment. Ms. Wissler suggested amending waiver #10 to include collector and minor streets. Mr. Mellott stated that Kensington Way is the minor street with a 12%, and Colonial Road is the collector road. Mr. Mellott asked to amend the waiver request to include a 12% slope for Kensington Way extension.

Mr. Staub stated that the ordinance says that if public water is provided to a development, then pressure and flow rates for fire protection are also required. The upper elevations of this development

will not be provided with fire protection flows and pressure. He suggested that a waiver for this is needed. Mr. Lighty stated that issues of public safety generally go before the public safety committee and he was hesitant to proceed without the fire fighters' input on the issue. Mr. Staub stated there was discussion with the fire marshal who recommended that fire protection not be provided, however it may not be his purview to make such a decision. Mr. Lighty stated that the Public Safety Committee and the Planning Commission make the recommendations to the Board of Supervisors, who will make the decision. Mr. Guise asked if fire protection is waivable. Mr. Staub stated it is because it is in the SALDO. Mr. Mellott stated there will be a water tank installed. He suggested they could propose wells on the upper lots to eliminate the need for another waiver. Mr. Fleming stated that his review looks to see if the developer has provided the necessary spacing and number of fire hydrants. He noted that United Water has provided a will-serve letter for the site. They do not give pressure quotes until the service has been provided because they fluctuate. Being that a water tank is being built on the site, that should help the pressure. Mr. Staub stated the ordinance simply says that if public water is being provided, fire protection has to be provided. Mr. Fleming stated that they have the ability to serve the lots with the fire hydrants.

Mr. Neff asked the reason for the water tank installation. Mr. Fleming stated it should help with both issues. Mr. Mellott stated that there is a State initiative to provide more of a back up. If some areas have to be shut down this will provide water in the interim, as well as increased pressure for the system. There may be hydrants that are currently deficient on pressure that will then be improved. It will improve storage capacity and pressure.

Mr. Guise made a motion to recommend approval of the plan, and recommend approval of the 10 waiver requests that were previously approved, with the modification to #10 to say waiver of the maximum slope requirement for collector roadway (Colonial Road) and a minor roadway (Kensington Way); and recommend approval of the three additional waivers requested in writing tonight. Mr. Guise noted that the Commission has no position with regard to the water flow and pressure issue, whether it is waivable or if it should be waived if it is waivable. Mr. Newsome seconded the motion and a unanimous vote followed.

Public Comment

There was no further public comment.

Commissioner & Staff Comment

Mr. Guise noted that several times the issue has come up about residential retirement developments. It has been suggested that there be a separate residential retirement zone, and that it may not be appropriate to include it in the IN, Institutional District. He asked that Staff gather some information for alternatives to the current setup so the Commission can make a recommendation to the Board of Supervisors.

Mr. Neff agreed with Mr. Guise's suggestions, and suggested another issue to be looked at would be the enforcement of the percentages of age restricted developments.

Planning Commission

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Mr. Lighty stated that there is a meeting on Monday, June 16, 2008, at 5:30 pm regarding the Route 22 Improvement District.

Adjournment

The next regular Planning Commission meeting is scheduled for July 9, 2008, at 7:00 pm at the Lower Paxton Township Municipal Center, Room 171.

Being no further business, the meeting adjourned at 8:10 pm.

Respectfully Submitted,

Michelle Hiner
Recording Secretary