

LOWER PAXTON TOWNSHIP
PLANNING COMMISSION

July 11, 2007

COMMISSIONERS PRESENT

Fredrick Lighty
Dennis Guise
Richard Beverly
William Neff
Roy Newsome

ALSO PRESENT

Mike Hess, HRG
Chip Millard, Dauphin County
Dianne Moran, Planning & Zoning Officer

Call to Order

Mr. Lighty called the regular meeting of the Lower Paxton Township Planning Commission to order at 7:06 pm, on July 11, 2007 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

There were no minutes to act on.

OLD BUSINESS

Preliminary/Final Land Development Plan #07-12
Dauphin County Volunteers of America Living Center

Ms. Moran stated that the plan was tabled by the applicant at the June 13, 2007 meeting. The Volunteers of America (VOA) is proposing the construction of fourteen dwelling units and a 2,168 square foot Community Center/manager apartment and office on 4.2 acres. The tract is zoned R-2, Medium Density Residential District, is located on Blue Ribbon Avenue and will be served by public sewer and water.

Ms. Moran stated that the applicant has requested a waiver of the requirement to submit a preliminary plan.

Mr. Brian Fischbach, Fischbach Morgan and Associates, Mechanicsburg, PA, was present on behalf of the plan, as well as the developer, Alan Garner, 2112 Walnut Street, Harrisburg.

Mr. Fischbach stated he has received copies of the comments, and he has addressed all of the ones generated by the County, and he does not have any problem with any of the comments.

Mr. Neff asked if the plans presented to the Planning Commission are a second edition, and reflect the changes called for in the first set of comments. The remaining comments can be addressed with no problem.

Mr. Guise asked about HRG comment #11. Mr. Fischbach stated that is an error and will correct it on the plan. Mr. Hess agreed it is easily corrected.

Chip Millard, Dauphin County, noted that his comments were generated from the original submission and noted he has not seen the revised plan. Mr. Millard asked if comment #1 has been addressed. Mr. Fischbach stated that it has, and directed him to the site plan, showing the Community Building and manager's apartment. They are two separate facilities that are joined together and they have now identified which portions belong to each. There is also a dimension marked from the manager's apartment to the property line in question (20.71 feet).

Mr. Millard asked if comment #2 has been addressed regarding the additional parking spaces. Mr. Fischbach stated the parking calculations now account for the manager's unit and the community space. Mr. Millard asked if comment #3 was considered, since it was a suggestive comment, not necessarily a requirement. Mr. Fischbach noted that two sets of crosswalks are now shown, located immediately in front of the community building to get to the handicapped spots. That area is at grade so there is no ramp needed. At the end of the sidewalk there is another crosswalk to get between the manager's apartment to dwelling unit 7. There will be a ramp on the townhouse side.

There was no comment from the audience.

Mr. Neff asked about the stubs shown, and if they are meant for K-turns only. Mr. Fischbach stated that is correct. Mr. Neff asked the applicant to consider reconfiguring that to be a cul-de-sac to make it easier on larger vehicles. Mr. Fischbach stated that he ran a turning template and they can turn a fire engine with a 3-point turn. This alternative was done so that there would be enough room for the stormwater management facility. Mr. Hess noted that as long as the emergency vehicles have adequate access, as shown in the turning template, then a full cul-de-sac wouldn't be necessary.

Mr. Neff asked if the road will be blocked when the dumpsters are being emptied. Mr. Fischbach answered that it may be blocked for two minutes. He further explained that by the nature of this project there will be very little traffic in this development. There are 38 parking spaces required by ordinance, but very few of those will be occupied. Most of the residents will use the bus service and will walk, and occasionally use a taxi. It is very unlikely that the residents will have their own transportation. Because of these factors, the emptying of the dumpster should not be much of a disturbance at all.

Mr. Newsome asked about the units having handicapped visitability. Mr. Garner stated that two of the units will be fully accessible. All units are visitable. All units can be easily converted to fully accessible by changing out the kitchen cabinets.

Mr. Newsome made a motion to recommend approval of the plan and the requested waivers, subject to the comments and outstanding issues being addressed. Mr. Beverly seconded the motion and the motion carried unanimously.

NEW BUSINESS

Preliminary/Final Subdivision and Land Development Plan #07-15

Harrisburg Foot and Ankle

Allan & Annette Grossman

Mr. Lighty stated that the applicant has requested that the Planning Commission table action on this plan. Mr. Guise made a motion to table the plan. Mr. Newsome seconded the motion and the motion carried unanimously.

Preliminary/Final Land Development Plan #07-16

New Medical Office Building, Lot 5D, Sir Thomas Court

Joseph Kenney, III

Ms. Moran stated that this plan proposes the construction of a 2-story, 14,988 square-foot medical office building and parking on Sir Thomas Court. The property consists of 2.9983 acres, is zoned BC, Business Campus District and will be served by public sewer and public water. The property is located on the west side of Sir Thomas Court just north of the intersection of Londonderry Road and Sir Thomas Court.

Ms. Moran stated that the applicant has requested a waiver of the preliminary plan requirement.

Mr. Joseph Kenney, developer and builder, JF Kenney Incorporated, was present on behalf of the plan.

Mr. Lighty asked if trip generation information has been provided. Ms. Moran answered that it was, and a traffic study is not required.

Mr. Kenney stated that he is developing this project as an investment project. He intends on building a 2-story 5-suite medical office building. It will be a very attractive building similar to the Fulton Bank he built on Jonestown Road in front of Gander Mountain. The shell will be built initially, then the suites will be built to suit.

Mr. Kenney stated he received comments from staff, County and engineer. Mr. Lighty asked if there were any issues he wished to discuss. Mr. Kenney stated that staff comments #1-4, general comments #1-2 are no problem and will be addressed. With regard to general comment #3 the plan has been submitted to Dauphin County Conservation District for review and approval. With regard to #5 and 6 the Authority is not requiring a module, they are requesting daily flow rate information which will be provided to them. With regard to staff comment #1-2, there is no problem. With regard to #3, after doing some research, Mr. Kenney's architect has found that under International Building Code 2003, there are ways to construct this building without fire protection. He has spoken to Dan Slatt, Lower Paxton Township Building Inspector, and it is technically not required. Ms. Moran noted that she has spoken to the Building Inspector as well, and if fire protection is needed they will inform him of that during his building permit process. If it is not needed, she is also fine with that. Ms. Moran noted that the comment is not generated as a condition of plan approval, but more as a "heads up" to the developer, similar to the comment about signage, that there may be requirements in the future that affect this plan that are not necessarily covered in the Subdivision and Land Development Ordinance. Mr. Newsome agreed it is probably a good idea to remind the developer of significant issues that may arise.

Mr. Beverly asked if, without fire protection, the building would burn to the ground in the event of a fire. Mr. Kenney noted that the building will be classified as a IIB, non-combustible construction, meaning it will be built from materials that do not burn. He stated that because the building height and building setbacks are commensurate with one another, the building will have a flat roof, meaning that there will not be a wooded truss combustible roof. There are provisions in the building codes that allow a building to be built without a fire protection system, and it places limitations on the building. He noted that the building code is an internationally recognized code, and has been adopted by the state of Pennsylvania. He fully intends on complying with every aspect of the code. Mr. Kenney also noted that he will install a fully automatic fire alarm, and if it is determined that the building needs sprinklered, it will be.

With regard to HRG comment #7, Mr. Kenney asked if it would be sufficient to add a note to the plan saying that the information was from the Flood Insurance Maps. Mr. Hess agreed that would be fine. Mr. Hess noted that he has spoken with the engineer of the plan and has come to agreement with him on the comments and offered to discuss comments #10-15 regarding the stormwater issues. Mr. Hess noted that additional details on the plan will be sufficient to address #11 and 12. Mr. Kenney noted that #13 is asking for another access point to the stormwater system. It has been his experience being in this business that it is no problem to have JetVac clean out pipes with the same elbow or dog-leg without putting in another structure. Mr. Hess stated that he and the engineer have agreed that a small diameter hand hole would be sufficient to allow access should it need maintenance.

With regard to #14, Mr. Kenney stated that this lot is not the last development for this subdivision and there are at least two more lots to be developed.

With regard to #15, Mr. Hess agreed that it is not an issue and the information used is the current information.

Mr. Millard, noted that County comment #3 is asking about a loading/ unloading area. Mr. Kenney stated that he has not addressed that yet, but noted that there will not be large tractor-trailer type deliveries. Mr. Millard agreed that with the nature of the plan, there will not be a lot of deliveries, and this is probably not a large issue. Mr. Kenney agreed to address the comment.

Mr. Neff asked the location of the dumpsters for trash or medical waste. Mr. Kenney stated he will not be making provisions for bio-hazard materials; that will have to be handled by the tenants internally, following applicable laws.

Mr. Hess noted that there is a loading/unloading zone designated on the plan near the front entrance by the handicap parking.

Mr. Newsome stated that Sir Thomas Court is almost fully developed, and the road is beginning to be loaded. He asked what kind of traffic flow is being generated on those two intersections. His concern was for the future before another development is presented in this subdivision. Mr. Newsome also asked staff to find out what other lots are undeveloped. Ms. Moran agreed to look into his concerns.

There was no comment from the audience.

Mr. Guise made a motion to recommend approval of the plan and the waiver requested, subject to the comments as discussed. Mr. Beverly seconded the motion, and the motion carried unanimously.

Special Exception #07-03
Fetterolf Dental Medicine, Inc.

Ms. Moran read Article 504.H: *Within the 100-year floodplain, any allowed parking lot that will include spaces for four or more motor vehicles and any allowed commercial or industrial outdoor storage area shall need special exception approval.* She noted that the applicant proposes a parking lot of 12 parking spaces that lies within the 100-year floodplain. A variance is also being sought for the plan.

Mr. Craig Bachik, Kairos Design Group, LLC, was present on behalf of the plan.

Mr. Newsome stated that the last plan that came to the Township for this parcel of land was for a bank, which had many discussions about access and the issues that arose. Mr. Guise thought it was determined at that time that a right-in/right-out was appropriate onto Linglestown Road and no access to Colonial Road.

Ms. Moran noted that the applicant is proposing to have additional access through the adjoining "Harriet Too" property. Mr. Bachik stated that they have met with PennDOT and the right-in/right-out is the only scenario that PennDOT and the Township will feel comfortable with. PennDOT has directed them to make the entrance as far as possible from the intersection, and that is shown on the plan, but is limited by the culvert at the western property line. He noted that a dental facility will generate relatively small traffic volumes.

Mr. Bachik stated that at some point in time the land was filled, and the floodplain was changed. The floodplain does not exist as it is mapped. The proposal is to request a Special Exception to park in that area which has been filled by previous owners. They will then go through the process of redefining the floodplain through the normal process of submitting a Letter of Map Revision (LOMR) to the Corps of Engineers. That will be reviewed by the Township Engineer before it is submitted. The reason for requesting a Special Exception instead of waiting for the LOMR is to see if there is a viable project before proceeding with the work involved.

Mr. Lighty questioned the elevations of the site and the project. Mr. Bachik stated that they are in the process of defining the 100-floodplain elevation, but it is around 415-416 and the proposed first floor elevation of the building will be about 426.5-427. The grade of the lowest corner of the existing grade where the parking lot is proposed, is around 417. Mr. Lighty noted that if those parking spaces are flooding, so is Linglestown Road. Mr. Bachik agreed.

Mr. Lighty asked how long the LOMR process is. Mr. Bachik stated it could be 6-9 months to complete.

Mr. Lighty noted that the bridge to the west creates a situation where a vehicle cannot see the traffic coming down Linglestown Road, even to make a right-out. Mr. Bachik stated that the surveyor checked sight distances at that location and it did not seem to be a problem. Mr. Lighty felt that even if the technical requirement is met, it is still going to be a problem, since it is already a problem at the intersection with

Colonial Road, and the proposed driveway will be 100 feet closer to the bridge. Mr. Bachik offered to find a way to address the problem, such as with a forewarning sign for the driveway.

Mr. Neff expressed his disappointment that this property, which is zoned CN, Commercial Neighborhood District, was not combined into a larger tract to create a larger project. He was concerned with the right turn exit onto Linglestown Road because it enters into a right-turn lane headed towards Colonial Road and the person trying to exit may want to go straight or turn left and will have to change lanes. It will be very difficult to cross traffic that is already well committed to the turn in that lane. He noted that it may not be a big problem today, but the area was rezoned to encourage development, and there will be major changes and increases in intensity in the area. He noted that if there was an egress through the Harriet Too property, he might have less concern, but as presented he has great concern with an exit into or across a right-turn-only lane.

Mr. Neff was concerned that the intersection is already failing, or approaching a failing level. Mr. Bachik stated that they are anticipating that a traffic impact study will be required at the land development phase of the project.

Mr. Guise made a motion to recommend to the Zoning Hearing Board that they grant the request to allow 12 spaces to be constructed in what has been mapped as the 100-year floodplain, with the understanding that based on the actual current configuration of the lot it is unlikely that it is actually in the 100-year floodplain. Mr. Beverly seconded the motion. Mr. Neff abstained from voting. Mr. Guise, Mr. Beverly, Mr. Newsome and Mr. Lighty voted in favor of the motion.

Ordinance #07-01

Mr. Lighty stated that the Planning Commission met jointly with the Board of Supervisors last night to discuss the draft of 07-01, and significant modifications and changes were made to it. The group asked that the Planning Commission further review and redefine its position on some of the points.

Section 312 Creek Setbacks:

Ms. Moran noted that the creek setbacks were changed to 50 and 75 feet from the top of the bank, from the 75 and 100 feet from the center of the creek. This item does not need to be discussed, but was presented to inform the members not present at the previous meeting.

306.B.2.a

Mr. Guise noted that the amendment allows single family dwellings in the Commercial Neighborhood District, which brings up the point that there should be more restrictions on commercial developments in the CN and ON zones so they are not the same as the CG zone.

Mr. Millard noted that CN, ON, and CG all currently have the same regulations as follows:

Minimum lot size is 30,000 square feet

Minimum lot width at building setback line is 100 feet, except 200 feet for new lots approved after the adoption of this ordinance which will have its own vehicular access to an arterial street

Minimum front yard setback is 30 feet, except 50 feet where off street parking will exist between the principal building and arterial street

Minimum rear yard setback is 30 feet

Minimum side yard setback is 15 feet

There is a note that says the setbacks for rear and side would 40 feet side and 50 foot rear for principal business use directly abutting a principal residential lot in a residential district

Mr. Guise noted there is a conflict because the amendment allows residential uses in the commercial zones.

Mr. Guise felt that 30,000 square feet may be too large of a minimum lot size in the CN or ON. The minimum lot size in a residential zone can be as small as 20,000 with public utilities.

Mr. Lighty asked why the amendment proposes allowing residential uses in the commercial zones. Nobody knew, and Mr. Guise suggested that not be included in the amendment. Mr. Lighty suggested that it may have been to reduce the amount of pre-existing-nonconforming lots.

Mr. Lighty asked if it is permissible to build a house next to a bunch of small office buildings, would we also want to allow that house next to any of the uses allowed in the CN or CG.

Mr. Guise made a motion to recommend that we forget the amendment allowing residential uses in the commercial zones by right, and consider it as a conditional use or special exception. Mr. Newsome seconded the motion and a unanimous vote followed.

315.D and 319.G.16

Mr. Lighty asked if anyone knew what slope would be appropriate for sidewalks to accommodate seniors, above and beyond the ADA requirements. Mr. Kenney stated that ADA requires 5% maximum slope. Mr. Lighty suggested using the ADA standard, and asked that staff verify that the ADA standard is 5%.

Mr. Guise made a motion to recommend to the Board of Supervisors that the ordinance should be consistent with the ADA, or 5%, whichever is less. Mr. Beverly seconded the motion and the motion carried unanimously.

Age Restricted Section

Mr. Lighty stated that it was decided at the joint meeting to not use the sliding scale, and stick with the 80/20 percentages. Mr. Neff asked if it was considered to segregate the 20% non-age-restricted homes, because the age-restricted homes may not want to be next to the non-age-restricted. Mr. Lighty stated if that were the case, 100% of the development should be age-restricted. Mr. Millard stated that a homeowners association will be created for a residential retirement development, and they would be the ones to oversee that issue, and it would be in their best interests to maintain that percentage to be able to use it as a selling point. Mr. Neff has experience as president of a homeowners association and thought that if the homeowners association had to take one of its residents to the magistrates office, it would only create animosity. He suggested that the 20% could be done in one phase, while the rest of the development phases were the age restricted homes. That way the non-age-restricted homes are easily recognized geographically.

Mr. Lighty called for public comment with regard to Ordinance 07-01.

Mr. John Kerschner, representing the Parmer Foundation, expressed his support of the discussions with respect to the sections that affect the Institutional District. He feels that the draft should be adopted as it is with regard to the height restrictions.

Public Comment

There was no additional public comment.

Commissioner's Comment

Mr. Neff asked the other Commissioners to consider increasing the minimum lot size in the commercial districts. This would avoid projects like the 1.3 acre dental facility. If the minimum lot size were larger, it would force people to consolidate the smaller lots, getting away from the 1 or 2 acre developments. There are already a lot of little developments. And this would allow the Township to consider the larger masses, especially along Route 22. The concept would attract businesses such as Wal-Mart, who did consider combining several lots to make a large development.

With regard to the Greenway Plan, Mr. Newsome asked if it is the intention of the Township to incorporate that into the Comprehensive Plan. If it is not, he asked why not. Mr. Lighty stated that this was discussed at the joint meeting last night and the recommendation was to adopt it as an amendment to the Comprehensive Plan.

Mr. Lighty asked if the LenMaur plan agreed to a time extension. Ms. Moran stated that she did receive a signed time extension.

Adjournment

The next regular Planning Commission meeting is scheduled for August 8, 2007, at 7:00pm at the Lower Paxton Township Municipal Center, Room 171.

Being no further business, the meeting adjourned at 8:31 pm.

Respectfully Submitted,

Michelle Hiner
Recording Secretary