

Lower Paxton Township
PLANNING COMMISSION
MEETING MINUTES
April 3, 2013

COMMISSIONERS PRESENT

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

ALSO PRESENT

Dianne Moran, Planning & Zoning Officer
Stephen Fleming, Township Engineer, HRG Inc.
Tim Reardon, Dauphin County Planning
Commission

CALL TO ORDER

Mr. Lighty called the regular meeting of the Lower Paxton Township Planning Commission to order at 7:00pm, 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

Mr. Beverly led the recitation of the Pledge.

APPROVAL OF MINUTES

Mr. Grove made a motion to approve the minutes from the December 12, 2012, February 6, 2012 and March 6, 2012 Planning Commission meetings. Mrs. Robin Lindsay seconded the motion, and the minutes were approved.

OLD BUSINESS

**Preliminary/Final Subdivision and Land Development Plan
for Bumper Cars at Meadows Frozen Custard #13-03**

Ms. Moran stated the plan proposes to create a 1600 square foot 6 Spin Bumper Car facility and 6 feet of parking at 4636 Jonestown Road and 9 Care Street. On January 24, 2013, the Zoning Board granted bearing state 329 with minimum separation with the residential dwellings with a bumper car facility. Applicant requested waivers for landscaping and land development with the property residence of 9 Care Street and a preliminary plan waiver to provide road assistance for sidewalk curbing and roadway. Mr. Ron Lucas -waiver on requested road improvements. Property as you can see from the plan required that the property to the North along Care Street, the house that's located along Care Street but here the seller of the property is the tenant, leasing the property. The project doesn't impact the house remaining. Since there is no new access we cannot dedicate an additional right way. Because of the house it is difficult to

put in additional curbing and sidewalk. The plan doesn't propose the widening of Care Street. The solicitor evaluated it and we agree on some points and have differences in others. What we have and are proposing is that we do not dedicate the additional right-of-way because the house is there for 1 and 2 the waiver on the sidewalk and curbing on the eastern side of Care Street granted with the condition if we demolish the house. In the future the property can redevelop to a commercial use and then we can install the improvements.

Mr. Lighty asks what the advantage is to wait until the house is demolished? Mr. Lucas stated that we cannot dedicate the right-of-way because the house is partially in that additional right-of-way.

Mr. Newsome stated the widening of the curb before the driveway was put in last year. Mr. Stine agreed to the dedication of the right-of-way but not to be required that the sidewalk be installed was not permitted under Article 5A MPC_[M1]. Mr. Lucas stated we respectfully disagree, we think a compromise of a condition of an approval to when the house is demolished and the property is redeveloped and installing a sidewalk at that time.

Mr. Lighty asks about the provision of the lease? Mr. Lucas responded it is a year to year lease. The question is that someday that will be redeveloped into commercial use.

Mr. Newsome stated but you are presenting to us that as long as the house is there there will be no right-of-way. Mr. Lucas stated correct. Mr. Newsome stated whether it is being used or not, it doesn't make a difference.

Mr. Lucas stated that the house will be demolished as a part of a redevelopment then we can provide the dedicated additional right-of-way as done down below and the additional sidewalk. There are no other sidewalks on Care Street. It is a very narrow right-of-way but we are doing the widening consistent of what was done that year.

Mr. Lighty asked how much area are you gonna widen it?

Mr. Guise replied 12.5 feet consistent of what was done with the mini golf project last year. He noted that there will be less than 100 trips a day, ample parking at mini golf and custard shop. Visitors will pay at same location for mini golf.

Mrs. Lindsey asks if you anticipate people dropping kids off along Care Street and then going back. She was concerned about children standing along Care St. with no sidewalk.

Mr. Lucas stated there is access off of Care Street onto the curb to the batting cages right now.

Mrs. Lindsey suggested they are going to go up Care Street to unload the car so they don't have to go in and go around and come back up.

Mr. Lucas stated that's not realistic. The access from there is not going to be across from the bumper cars. You'll be coming down the walk from here and the logical place to pick up is where the golf is.

Mrs. Lindsey asked if you are saying they will come in to the facility and not just drop off on Care Street, she also asked when did mini golf open last year towards the end of summer?

Mr. Lucas answered mid August.

Mr. Fleming suggested that curbing and sidewalk be installed for the length of the property, going up over the hill.

Mr. Lighty said it may not be the next property but the adjacent property that the curbing widens the sidewalk starts continues down the hill to Devonshire Rd.

Mr. Grove knows the facility, doesn't live far from there. He is thinking about the neighborhood that is right there. The north side of Devonshire Rd. can see a lot of pedestrian traffic in spite of traffic on Devonshire Rd., coming across and taking Care St. to the facility. It will generate pedestrian traffic from both developments.

Mr. Gelbaugh's Engineer said it would be to cross patch a portion of the widening of the road and alleviate it as a walkway and not necessarily construct a sidewalk, but have 2 ½ ft. by 30 inch wide pavement markings along the edge to identify the pedestrian walkway.

Steve states as a walk of 22 ft. Care Street was intended to be Northbound lane of a road and grass strip, another similar lane leading out to Rt.22, never constructed since there's not the other ½ of the road essentially were asking for improvement that is consistent with the business. Proposing to widen 3ft.

Ernie asked would it be possible to put in a raised sidewalk adjacent to the house?

Steve said I don't think it would be viable. In order widening in by ordinance the curb and sidewalk we would have to demolish the house. The tenant that lives there has lived there most of their life and wants to continue to live there.

Ernie said it looks like there is room for a sidewalk right against the house, than he asks about steps?

Steve states you cannot put in steps without ADA. compliance. You have to look at physically crossing. Definitely a safety concern, you would have to put in a railing adjacent to roadway, to keep pedestrians from walking on the edge of the road. The railing would be close to the house almost physically attached.

Mr. Newsome suggests reducing the length of the house by 5ft.

Mr. Gelbaugh states this is not feasible. Can I speak about Care St. and my opinion? This is my 3rd year at that location. I go up and down Care St. every morning, every afternoon, not

once ever seeing a pedestrian on Care St. I will tell you this that if we widen Care St. this area right here is dangerous to cross. Especially going up Care St. If few do this project we will widen Care St. the whole way down to here and that issue you have with cars coming up the hill, pedestrian walking. No one ever walks from that development.

Ms. Lindsey states she believes they are not walking because of the mini golf and batting cages opening so late last year. Most people coming over to your facility have come by car because they are going to the Meadows for ice cream. But I think if you add another entertainment there. I think the kids are going to hang out there because the weather is getting nice and there going to be dropped off, there by Comcast and let them walk down, depending on what they are doing with traffic. My own concern is like you are going to see more people walking maybe not adults but you're going to see more people walking.

Mr. Gelbaugh's Engineer there is another opportunity that concerns, suggestion is to make a one way road. I don't know how that would be perceived over all from the traffic stand point but make it a one way road. I think it would be a calming measure for that area and for the pedestrians. It would have to be worked out and what would be best for the Township, and the traffic.

Mr. Lighty said there is a history of doing that, the residents do not appreciate it.

Mr. Gelbaugh's Engineer understands the options.

Steve discusses curbing and widening.

Dennis house has to go

Mr. Newsome states you must have been a good neighbor. You've put a lot of planning into this, What if you don't get it?

Mr. Gelbaugh says I won't close the doors.

Ms. Lindsey requests the people of the house sign the lease one more year.

Mr. Gelbaugh states the revenue in generated it would be an inconvenience to ask the residents to leave, not necessary to demolish the house.

Mr. Newsome says that Route 22 is a dire main street, important to township somewhat concerned of improvement of roadway.

Staff comments-none

Solicitor-none

County comments-none

Commissioner

Steve Stine- accept Article 5A, should agree first part. Legal part 5A not a major driveway not access so these improvements not required or necessitated by adding bumper cars facility, cannot be legally required and don't want to press the issue like to get plans approved so this can be built, that is why we proposed conditions.

Steve- Article 5A not safe transportation but improvements: public improvements off site. All of Article 5A defines transportation capital. My point the whole thing deals with bike lanes, pedestrian ways from road influence which by definition transportation capital.

Waver-solution

Mr. Lucas-it is family facility not a big developer. Waver until someday expand.

Dennis-Commissioner-Subject approval. Particle approval-sidewalk road improvements, road widening.

Approve-Widening roadways

Disapprove-sidewalk, curbing

Mr. Newsome seconds the motion

All say "P".

Mr. Reardon, Dauphin County Planning Commission, did not have any additional comments. There were also no additional comments from Steve Fleming, HRG.

There were no comments offered from the audience.

Mr. Guise made a motion to recommend approval of the plan, and approval of the waiver requests, subject to compliance with the comments generated by Staff, County and Engineer, and further recommended the easement for the walking trail be adequately provided for. Mr. Newsome seconded the motion, and a unanimous vote followed.

Montrail
Ordinance 13-02 Zoning Amendment
&
Resolution 13-12 Comprehensive Plan Amendment

Chris Smaker, of S&A Homes representing First Line Development Two, explained that the housing market and economy have changed drastically since the first land development was approved for this piece of land. This has changed what consumers want in a home as well. The proposed homes will be in the \$140,000 price range and will have small lots. He described the homes and lots.

Mr. Guise asked about the number of units. Mr. Smaker answered that there are 121 units shown on the sketch plan. Mr. Lucas added that there are 77 townhomes and ___ detached dwellings.

Mr Lucas stated that the single family detached dwellings can be on reduced size lots since there is 30% open space in the development. The lot width and side yards can be reduced also. Thirty percent of the dwelling units in development must be single family dwellings. The plan includes a mix which will be more attractive to more buyers.

Mr. Lucas showed a drawing of the development and explained the parking requirements and where parking must be located. They would prefer to use two-car garages instead of parking lot areas. The problem is there is a requirement that there is a 50% limit on front load parking. The proposed change will limit front load parking to 75%. This is preferred over parking lots. Parking lots have to be maintained by a homeowners association and it allows each homeowner the ability to park two cars inside.

Mr. Smaker stated that they propose to sell fee-simple lots, versus condos. It has become very difficult to finance condos in the last four years. In Florida, when a bank foreclosed on a home, they were not responsible for association dues, so everything gets very complicated for those that remain there. Because of this, the requirements have become much stricter.

Mr. Lucas stated that the reason for the text amendment is to allow for this type of development.

The applicant proposes a change from R₁ to R₂. There are areas of R-2 and R-3 around the property. He explained the different parts of the zoning change, since some pieces are not appropriate to change to R-2.

The amendment to the comprehensive plan is to amend the future land use map from institutional to residential. Mr. Lucas explained that it was zoned R-1 when the comp plan was adopted. The zoning map doesn't match the comp plan map. The comp plan should be amended. Institutional is used when the parcel is owned by a government entity or school.

Mr. Newsome asked if it is the applicant's position that the comp plan should be amended to achieve zoning. Mr. Lucas stated he thinks it is consistent with the text of the ordinance, but the map should be consistent. The land was sold by the school district and should not be shown as institutional. It should be designated as residential. Mr. Newsome asked if the Comprehensive Plan should reflect ownership instead of use. Mr. Lucas stated that the Township did that. It was zoned residential. Mr. Newsome stated that the developer came to the township to build on the land and was satisfied with the zoning at that time. The developer made promises at that time to the cross country team, to continue to allow use of the trails. It is shown on the maps up in the finger of the lot but that is not actually where it is. One week after approvals were granted, the developer contacted the track coach and told them they were not permitted back on the land. The township has looked on this development with good faith that the developer would do as they said they would. He also noted that institutional zoning is also for churches and hospitals. He added that the zoning map was so designated because of the use of the land. Because of changes in the market, a developer now wants a rezoning and is questioning the integrity of the comp plan itself. The developer now comes to the Planning Commission after putting a lot of work and effort, including meeting with the Board of Supervisors, all prior to coming to the planning Commission. He explained he is disturbed by the process to this point.

In response to Mr. Newsome's comments, Mr. Lucas explained that the current team was not involved in the plan in the past. He also stated that the track team does use it today. In the past the former athletic director told him that the time they could not use it was only pending insurance coverage. He noted this is what he was told by a former athletic director.

He also noted he is not questioning the integrity of the comp plan. The amended MPC says they should match or be generally consistent. In the application they state that this rezoning is consistent. He noted that some municipalities are suggesting that the comp plan map should also be changed when there is a rezoning, because the map would be inconsistent. When the current zoning ordinance was adopted, the township could've changed the comp plan map to be

generally consistent. It could have been made residential, as the application is proposing at this time. In other municipalities such as Hampden Township, they are amending the comp plan map when they decide it is appropriate to change their zoning map.

Mr. Newsome asked if the summation is that the comp plan should always look like the zoning map. Mr. Lucas answered no but...Mr. Newsome stated he understands what Mr. Lucas is saying. Mr. Lucas stated that their proposal will allow those to be consistent. He read the language that was added to the MPC. A zoning change should be consistent with the comp plan, and when it is not, the comp plan shall be amended as well. He added the burden is not that of the applicant, it is the Township's responsibility. M. Newsome questioned the term generally consistent. Mr. Lucas stated that he thinks the text makes it consistent, and that some municipalities have been amending both at the same time. The text of the comp plan matches the proposal even if the map does not. He added that h does not think it "has" to be done, since the text is consistent, but many solicitors are recommending that the maps be made consistent.

Act 68 of 2000 is when the language was added to the MPC.

Mr. Newsome suggested making the zoning map match the comp plan. Mr. Lucas suggested that should have been done when the zoning map was adopted. (joking??)

Mr. Newsome commented that the parcel is physically separated from other zoning classifications on about 75% of the boundaries. The upper leg of the property is cut off by wetlands and he asked if the development would continue past that area of wetland. Mr. Lucas stated they will not go past that but the zoning should be changed as well so that it is consistent.

Mr. Lighty stated the issue is if this parcel should be R-2. He noted he is sympathetic to the real estate market issues of 2008. Land was purchased, planned out to make a profit then the market collapsed. He understands the issues the developer has faced, but he is challenged to make a decision based upon testimony to change the zoning designation of the property, if it is in the best interest of the Township. He stated he has not heard anything. Adding townhouses next to more townhouses and adding units to an already very dense area with bad traffic does not compel a change. He has not heard anything that supports up-zoning the land.

Greg Creasy, Traffic Engineer, Grove Miller Engineering, stated that he was able to do a preliminary assessment concentrating on the site access location comparing it to what was approved in 2006. The driveway was stubbed in at that time as well as a left turn lane installed. The driveway is still expected to operated at an acceptable level of service and the left turn lane is still long enough. The traffic count was done in January after McDevitt was complete. A full traffic study will be done with the land development plan, which will include some off site intersections.

Mr. Lighty stated he is concerned about higher density in the neighborhood; it is not in the character of the neighborhood. Mr. Smaker described the buffer and noted that there will be more of a buffer with townhouses than if they were single family lots. He added that they have met with residents along Union Deposit Road twice. Invitations were sent to all of the residents, and three people came to the first and two to the second. They are trying to keep neighbors informed as the process goes forward.

Mr. Smaker agreed with Mr. Lighty's assessment that the real estate market is a gamble, however he noted that DEP has made things very difficult recently for developers. He also noted that there are other high density areas around this. Mr. Light stated that the proposed development will not impact the apartment complex to the rear or the school; it will only affect those to the south, along Union Deposit Road.

Mr. Smaker stated that the open space is achieved without the unbuildable portion to the north. He also noted that there is a need for housing in this price point in this area. He noted he believes this is the best use of this ground, relative to traffic, surrounding neighbors and economics. There is a need for new housing around \$180,000 so that someone buying a house isn't stuck with a 50 year old house just to be affordable. It also seems to fit well as a transition between the different zonings around it.

Mr. Newsome asked why the Planning Commission has not been involved in the matter until the very end. After hearing a list of people that the applicant is working with, there was no mention of the Planning Commission. How does the developer know how the Planning Commission feels about it or how the Commission feels it relates to the Comprehensive Plan. Mr. Smaker stated that in the fall of 2012 they started meeting with Staff to make sure they were going about the process the right way. They have been to two Board of Supervisor workshop meetings because they felt that was the appropriate format to get the feeling of the Township. Feedback from the first meeting is reflected in the plan that is before the Commission today. After the second meeting the Supervisors advised that the plan be taken to the Planning Commission.

Mr. Newsome stated that the plan has also been to the County Planning Commission prior to the Lower Paxton Township Planning Commission. Mr. Lucas replied that they filed an application for rezoning, which the Township sent to the County, as per the normal course. He also commented that the discussion held at the Supervisors workshops were about the rezoning.

Mr. Newsome explained that he wouldn't be as upset if it had come in as just a rezoning. Mr. Lucas noted that land use professionals are struggling with this now, whether the Comprehensive Plan has to be amended along with a rezoning. Mr. Newsome commented that all of us, as professional planners are also struggling. Mr. Lucas stated that as attorneys, they feel that both should be changed. This is their legal interpretation and it is how they are proceeding. Mr. Newsome asked if Mr. Lucas would agree that the Comprehensive Plan does not need to be amended to meet the needs of the rezoning. Mr. Lucas did agree, because the text is consistent, but, they are being told to submit it both ways and the Township can make a decision. He also noted that Steve Stine the Township Solicitor felt it was appropriate. While the Comprehensive Plan issue may have been better brought to the Planning Commission first, they were working on the whole project, so they were working with the Supervisors and Staff. Mr. Smaker also added that if they did misstep, it was unintended. Mr. Lighty noted that starting with Staff was appropriate. Mr. Lucas stated they are not trying to push something through as fast as possible, they are trying to work through each channel to be able to build these types of homes.

Mr. Lighty noted that there is housing in this price point in Lower Paxton Township.

Ms. Lindsey asked about an emergency exit. Mr. Smaker stated it goes along the school property and will work on an easement to cross it. It is school district property but it is a driveway that currently exists. Ms. Lindsey asked if there are restrictions for that driveway. Mr. Lucas stated it is an emergency exit for this development, he cannot speak to what the school uses it for. The entrance/exit is a boulevard. If something blocked one side of it, you could still use the other side.

Rich Letham of S&A Homes stated he spoke with someone about the boulevard access, and also with Gil Tunney from the school district. The driveway is public to a certain point before it becomes school property and they are doing an access agreement, and it will be restricted to emergency access only.

Ms. Lindsey asked what the Supervisors were concerned about prior to them saying go ahead and file the paperwork. Mr. Lucas stated the Supervisors did not indicate they are approving it. Ms. Lindsey asked what their questions were. Mr. Letham answered that they wanted them to reach out to the neighbors, so he sent certified letters to all fifteen residents along Union Deposit Road. It was done a second time so they could attend the second meeting in case they were not available for the first meeting. He also spoke to several residents on the phone. Mr. Smaker added that they were also concerned about adding density from a traffic standpoint. This is what led them to engage Greg Creasy. They discussed R-2 and R-3, and there was a concern that R-3 can allow apartments. He indicated that their plan is to offer homes for sale, not for rent.

Ms. Lindsey asked about the water problems that residents are experiencing. There was something that said there was an issue down stream in Beaver Creek, but not adjacent to the property. The plan that is already approved does not include detention, but the proposal does.

There were no additional comments from staff or engineer.

Mr. Reardon clarified that the letter should have said "staff review" and a second one with the correction was issued. The Dauphin County Planning Commission reviewed the proposal and while staff recommended approval, the Commission recommended denial of the application. The updated letter is dated April 3, 2013. The issue is run-off water, and an increase in density will increase the impervious surface which will increase run-off. The other issue is the conflict with the R-1 zoning district along Union Deposit Road. Traffic is a concern, especially now that there is a new high school nearby. The Dauphin County Planning Commission felt it was not in the best interest to pursue this proposal. He also noted that the Dauphin County Comprehensive Plan designates residential, but does not specify density.

Mr. Lighty called for comments from the audience.

Steve Avery, 5620 Union Deposit Road, stated that the track team used to run through here, but the plan shows a different path. Everything around is R-1. He suggested the neighbors may be tired of it, and think they will not get anywhere, but a lot of them want to get out; they

are not happy and were not happy when the first plan went through. Going from 57 to 121 units is a big difference. He suggested that they will start construction with the townhouses and if the single family lots do not sell, they may come back and ask to put townhouses there too. MR Lighty stated that if the land is zoned to R-2, they can build anything anywhere that the R-2 permits; they do not have to build what is shown on the sketch plan. Mr. Avery noted he would not be pleased with that.

Mr. Avery stated that all the homes are on wells. He was not sure how the new construction will affect his well, which would be a costly problem.

Mr. Avery stated that the area is a steep downhill slope and all the water is funneled down.

Ms. Lindsey asked if he went to the neighbor meetings. Mr. Avery did attend both and noted that others voiced their concerns.

Mr. Lucas offered the following in response to the above discussions: the R-1 along Union Deposit Road is not part of this project and they do not propose to change them. The drainage is something happening down stream and it is a different stormwater management plan. If McDevitt is causing problems, it should be dealt with on their plan not this one. During land development, the stormwater, traffic and other issues. Mr. Lighty stated that if it is rezoned they will be entitled to whatever is allowed in the R-2. Mr. Lucas stated that if there is an issue with the developer not following through with what was discussed, that can be addressed. He also noted that there are ways to restrict the housing allowed. He stated they can address these issues.

Mr. Lucas asked that action be tabled at this time and also asked for as much feedback as possible. He will also work with Solicitor Stine on the interpretation. Mr. Newsome requested that he also ask him if the total Comprehensive Plan needs to be reviewed for changes based on rezonings. Mr. Lucas suggested that is more appropriate from Dianne Moran to Steve Stine. Mr. Newsome wanted to know if comprehensive planning was going to drive zoning or if zoning was going to drive comprehensive planning. He does not want zoning to dictate planning.

Mr. Guise made a motion to table the text amendment and zoning change. Mr. Beverly seconded the motion and the submission was tabled.

PARKS & RECREATION **PLANNING UPDATES**

Mr. Brian Luetchford, Parks & Recreation Director, explained that the Township has purchased the Wolfersberger Tract as park land. He presented maps of Koons and Wolfersberger Parks. He explained that there is a planning grant being used to plan thte sister parks. Koons Park has been over built/over used for a number of years. He oriented the Commission to the proposed changes to Koons. Some facilities will be moved from Koons to Wolfersberger.

The plan for Wolfersberger Park was also shared and explained. Access to the park is shown through the Yingst property at Warren Avenue, and this is designed to keep traffic off of Wenrich as much as possible.

The idea of a "superblock" has developed from this planning project. The area included is surrounded by Piketown Road, Blue Ridge Avenue, Wenrich Street, and Linglestown Road. This is an opportunity, if the Commission is interested, for forward planning, knowing that a large park will be developed.

Mr. Lighty appreciated the proactive planning and asked for more information. Mr. Luetchford deferred to members of both committees. Mr. Guise explained that during the review of the current Comprehensive Plan, there were CPUs (comprehensive planning units) similar to an area like this. There are unique features in this superblock, such as the power lines, large undeveloped lots and it was suggested that more detailed planning be discussed for this area.

Mr. Luetchford invited the Commissioners to the meeting of the Master Plan Study Committee which takes place tomorrow. This will be the final public meeting before the plan is presented to the Board of Supervisors.

Mr. Newsome added that there are several large critical pieces of land that are going to be prime development at some point.

Mr. Luetchford added that the consultant is recommending that as part of their final planning process to have key person interviews. Suggestions included the large land owners surrounding the park. This would be a nice introduction to the planning that could be done.

Mr. Lighty asked how the new park fits into the park system. Mr. Luetchford stated that at 93 acres, it is the largest, but will take some time to develop.

Mr. Fleming suggested enlarging this map for use in the Comprehensive Plan.

PUBLIC COMMENT

Mr. Lighty asked for comments from the audience on anything not on the agenda.

Tim Reardon, TCRPC, has an annual dinner on May 2nd and the Lower Paxton Township Planning Commission is invited. There will be a speaker. There is also a training program offered by Dauphin County Planning Commission available to municipal officials.

COMMISSIONER COMMENT

Mr. Lighty asked for comments from the Planning Commission members.

ADJOURNMENT

The next regular Planning Commission meeting is scheduled for Wednesday, May 1, 2013, at 7:00 pm at the Lower Paxton Township Municipal Center, Room 171.

Being no further business, the meeting adjourned at 9:20 pm with a unanimous vote.

Respectfully Submitted,



Michele Kwasnoski
Recording Secretary