

LOWER PAXTON TOWNSHIP
PLANNING COMMISSION
Workshop Meeting

October 4, 2006

COMMISSIONERS PRESENT

Dennis Guise
William Neff
Fredrick Lighty
Roy Newsome
Betsy Sibert
Ernest Gingrich
Richard Beverly

ALSO PRESENT

Lori Wissler, Planning & Zoning Officer
Dianne Moran, Planning & Zoning Officer

Call to Order

Mr. Lighty called the workshop meeting of the Lower Paxton Township Planning Commission to order at 5:37 pm, on October 4, 2006 in Room 171 of the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

Pledge of Allegiance to the Flag

Ms. Sibert led the recitation of the Pledge.

Introduction

Mr. Lighty stated the purpose of the meeting is to discuss the zoning of Linglestown Road east of Wenrich Street to the Township boundary line. The meeting will also cover the zoning of the Boyd Mahoney properties in the northwest corner of the Township.

Boyd & Mahoney Property

Mr. Chuck Zwally, Boyd & Mahoney, was present to discuss the properties which are currently zoned Institutional, Agricultural Residential, and Conservation Districts. Before the new zoning was adopted, the property was zoned R-2, Low Density Residential, and Union Deposit Corporation (UD Corporation) was considering residential development of the site, probably an age-restricted community with some standard single family homes mixed in. The original zoning was AR, and UD Corporation presented a plan using the RR District, with the extension of Continental

Drive, and single-family dwellings above that. The different zones are problematic for UD Corporation and they had been requesting a return to the R-2 for the flexibility.

Mr. Zwally stated he was present to propose an alternative to those plans. UD Corporation had been using USGS topo's and have since flown over the site and now have more accurate topo's. The prior sketch plan showed Continental Drive at the zoning boundary line, but there is more developable area to the north, so they have changed the plan to move Continental Drive north. They cannot develop the parcels as they are zoned. They suggested bringing the Conservation Zone line south, and bring the Institutional District line north to meet the Conservation District. This would allow Continental Drive to be located wherever best fits the topography

Mr. Zwally stated that he would also like to suggest amending the age-restricted zoning to allow the percentage of age-restricted housing to deviate. The current ordinance says 80% age-restricted/20% single-family housing, and Mr. Zwally suggested allowing the percentage of age-restricted to go down, while the density goes down.

Mr. Neff asked how many units are proposed in the institutional district. Mr. Zwally stated they cannot build in the Conservation District. In the RR District, they are allowed up to 12 units per acre and in the AR they are allowed one unit for 1½ acres, so they are proposing 686 units in Lower Paxton Township, plus 14 in Susquehanna Township. Mr. Zwally stated that is about 3 to 4 units per acre. The single-family units will be on larger lots, but less than 1½ acre-lots.

Mr. Neff asked who ensures the 80%/20% is maintained. Mr. Zwally stated that it was his experience after doing many of these communities, that it would be built into the covenants on record. It is then enforced by the developer then the Association. Mr. Neff asked if there is a general 20% or if the individual units are deed restricted. Mr. Zwally stated that each unit is deed restricted. Mr. Neff agreed.

Mr. Zwally distributed a proposed text amendment showing examples: 70% age-restricted, 10 units per acre; 60%, 8 units per acre; 50%, 6 units per acre. Mr. Zwally noted that the numbers are only conceptual, and the Commission could change them however they need to.

Mr. Lighty asked if Staff supports the amendment. Mr. Zwally noted that only the concept was discussed with Staff, not the actual numbers.

Mr. Newsome stated he is not familiar with the sliding scale. Mr. Newsome asked about the public interest in age-restricted communities, and if density is what is driving this decision. Mr. Zwally speculated that the reason the R-2 is no longer on this property is because the Township has concerns with the density that the R-2 allowed, particularly when it is not age-restricted. If the 80/20 standard were to be relaxed, Mr. Zwally felt it should be tied to density. Mr. Newsome noted this is a very complex issue.

Mr. Lighty asked for clarification on what Mr. Zwally is requesting the zoning be changed to. Mr. Zwally stated that he wants the Conservation District on the top half, and the Institutional District on the southern half. Continental Drive would then be around that line, but within the Institutional District.

Public Comment
Regarding the Zoning along Linglestown Road
between Wenrich Street and the eastern boundary of Lower Paxton Township

Mr. Forrest Troutman, 4712 Smith Street, was present on behalf of the Yingst properties. Mr. Troutman wanted to find out the Planning Commission's perspective on what was previously discussed. He is interested in getting the commercial zoning put back the way it was, including the depth of 400 feet. They are interested in working it out instead of applying for a map change. They are also interested in what is best for the Township.

Mr. Bill Smith, 1430 Greenwood Road, has recently purchased Guy Runkle's garage across from Sasha's Hideaway. Mr. Smith pointed out on the map a cluster of existing businesses that have been there for many many years. Mr. Smith stated he purchased the property with the intent of opening a produce stand. Mr. Smith felt the change in zoning did not make sense. Mr. Smith felt the Neighborhood Commercial District may be a better choice than residential or general commercial.

Mr. Walter Shatto, business at 6690 Linglestown Road and interest at 6700 Linglestown Road. Mr. Shatto owns 6700 Linglestown Road under a realty organization with his brother and sister, SGS Realty. Mr. Shatto pointed out on the map where his residence is located. Mr. Shatto stated the corridor was commercially zoned 25 years ago. Mr. Shatto's focus was to consider commercializing the entire corridor. The intensity of use would then be an issue. Mr. Shatto noted that there have been business operations in that area operating under the non-conforming ordinances. Mr. Shatto noted the businesses at the township boundary line on Route 39. Mr. Shatto felt the issue is what could potentially go into those locations. A lot of land areas are changing. West Hanover Township is functioning under a commercial zoning in that area, although it may be a less intense commercial zone. Ms. Wissler noted that West Hanover has a small portion of the north side which is Neighborhood Commercial, and the rest is Rural Residential District.

Ms. Wissler asked for clarification on Mr. Shatto's property 25 years ago. Mr. Shatto stated that when his family bought the property, prior to the 1985 Comprehensive Plan, it was commercial. Mr. Shatto stated the property was bought in the 1960's. Ms. Wissler asked if 6700 Linglestown Road has a business on it. Mr. Shatto stated it is a 2-acre lot with a residence; it is beside a business. The lot has 2 rental properties, one of which he resides in.

Mr. Shatto asked for consideration of commercial designation on the north side of Linglestown Road. Mr. Lighty asked if Mr. Shatto wants only his properties, or if it should be the corridor. Mr. Shatto felt it was realistic to consider the corridor approach to commercialization.

Mr. Mike Swank stated he is a resident at 6720 Linglestown Road and his father lives beside him. He and his father do not have a problem with the commercial zoning. Mr. Swank stated his only concern is what the setback would be from his house to whatever would be put beside it. Mr. Lighty stated the side yard setback in the Neighborhood Commercial District would be 15 feet, and the rear setback is 30 feet. Mr. Newsome noted that means they could build something 15 feet from the side lot line. Mr. Swank's west property line is between 10 feet and three feet from his house. Mr. Lighty stated that if it were residential, it would be a 20-foot side yard setback.

Ms. Nancy Swank stated they tried to buy about 30-40 feet of the neighboring lot, but zoning would not let 6700 be subdivided. Ms. Wissler stated the reason that lot couldn't be subdivided is because it would make the lot too small. Minimum lot size and minimum road frontage are reasons it would not have been allowed to be subdivided.

Mr. Swank asked what the height restriction is. Ms. Wissler answered it is three stories.

Mr. Lighty asked what Mr. Swank would like for a side yard setback. Mr. Swank would prefer if nothing could be built about 35 feet from the property line. Ms. Wissler asked if Mr. Swank was agreeable to a retail use as long as it was far enough away from his house. Mr. Swank didn't care as long as somebody didn't build something three stories high, 20 feet from his house.

Mr. Newsome asked about the small property between Mr. Swank's house and his father's property. Mr. Swank stated he owns that, but it is on a separate deed.

Mr. Lighty stated the Commission has a few options: do nothing and leave it AR, rezone the entire corridor CN, or rezone particular parcels something else such as CN.

Mr. Guise asked if there is public water or sewer in the area. There are no public water or sewer facilities in any of this area. Ms. Wissler stated that the Act 537 Plan was just amended to address that issue.

Mr. Guise explained that under the current zoning today, the existing commercial uses can continue to operate indefinitely, whether they were commercially zoned or not. Mr. Lighty added they can also expand by 50% as a preexisting nonconforming use. Mr. Guise added that the properties that are not commercial uses cannot become commercial uses; they must conform to the zoning regulations in place.

Mr. Smith felt that a produce stand is a permitted use under the AR. Ms. Wissler agreed.

Mr. Newsome requested to see what the uses are in West Hanover Township. The map shows Neighborhood Commercial, Rural Residential, and Low Density Residential.

The Commission discussed West Hanover's zoning map briefly, noting that their NC is very limited and appears to only be where there are existing commercial uses. Any open land is zoned rural residential. Ms. Wissler read from West Hanover's ordinance: Minimum lot area in RR is 1 acre, 100 foot lot width, front yard setback is 35, side yard is 15 feet, and impervious coverage is 20%. The Commission agreed that in West Hanover their general intent is primarily residential, not a sprawling commercial use.

Mr. Troutman noted with regard to the non-conforming use discussion, Yingst bought their properties for their commercial value, and it has been changed to Agricultural, so the non-conforming fall back does not help them. Mr. Lighty stated the Commission recognizes that those looking to buy property to make money prefer a commercial designation. Mr. Lighty noted that as the Planning Commission for the Township, they have to look at this from the big picture and what's in the best interest of the Township.

Mr. Craig Eshenaur was very upset that he purchased commercial property and the Township is trying to devalue it. Mr. Eshenaur was upset that when changing the zoning of a single property, notices are sent to everyone, but when the Township is screwing the entire area, it just gets done. Mr. Lighty stated these issues have been in the newsletters, newspapers, on television etc. Mr. Eshenaur was unsure how it got past him, but was upset that it was changed when he spent \$18,000 to get it rezoned 10 years ago.

Mr. Lighty explained that every ten years the Township is required to update its comprehensive plan, and is then required to make the zoning map reflect the Comprehensive Plan and this has been going on for many years. Planning is from a baseline of today and looking ten years forward, not backwards.

Ms. Wissler asked if the property is for sale, noting the for sale sign out front. Mr. Eshenaur stated he wanted to put some offices out front, but that was before he was aware of the zoning changes. Now since offices are not permitted, he will put in more oil tanks. Mr. Eshenaur felt offices would have looked nicer there than expanded oil service.

Ms. Barbara Moore asked that the zoning go back to what it used to be because it has drastically reduced the value of her land.

Commissioner Discussion

Mr. Newsome stated the discussion is centered around only 400 feet south of Linglestown Road, not the entire depth of the parcels. Mr. Newsome felt that 400 feet was a large piece of property; that could almost fit a mega-box store. Mr. Newsome felt the Commission should consider a possible continuation of the kind of development on Linglestown Road as have been there in the past.

Mr. Lighty stated that information was prepared by staff indicating that if Linglestown Road is rezoned from Wenrich Street to the Township line, 400 feet deep, on both sides of the road, approximately 82 acres, to CN, on the south side, there could be 736,000 square feet of commercial space, on the north there could be 704,000 square feet. The south side commercial space would add 14,720 vehicle trips per day to Linglestown Road. The north side would add 14,080 trips per day. Mr. Lighty felt this was unacceptable. Linglestown Road should not look like Route 22. Mr. Lighty stated that he is absolutely opposed to making the entire corridor commercial.

Mr. Guise agreed, noting that it is highly unlikely to develop like that with the absence of water and sewer. Mr. Guise felt the existing commercial uses are good where they are. They are a low density commercial development. The Commission should consider what could be done if it were zoned BC or CN.

Mr. Guise pointed out that an office use would be permitted in the BC district. Office uses do not have the same impact as commercial uses. There are many offices in the BC district on the other side of Linglestown Road that are very successful.

Mr. Eshenaur asked about expanding the non-conforming uses on his property. Ms. Wissler stated that the conditional use goes with the property, but would clarify that with the Solicitor.

Mr. Lighty stated that BC was intended for Linglestown Road because it is not safe to have houses with driveways coming out to Linglestown Road.

Mr. Neff stated the Commission has to be careful of the road structure in that area. There is no good north-south connection.

Mr. Guise felt it should only be rezoned to commercial or BC on the south side where it was previously zoned commercial, and that may be too much.

Mr. Beverly felt that area should be zoned BC.

Mr. Guise felt BC was appropriate.

Mr. Newsome felt BC was appropriate except for the two properties closest to Wenrich Street, to keep it away from the intersection.

Mr. Lighty asked the audience if the BC zone would satisfy what they need. A resident asked for clarification on the BC District.

Mr. Lighty stated that it is for Commercial-type uses, of the office building type. Mr. Eshenaur asked where blue-collar businesses would be located, such as a builder's shop, not just his office or showroom. Ms. Wissler stated a construction business or a trade person is a special exception in the BC zone. A special exception is comparable to a variance application.

Mr. Beverly would like to see the BC zoning 400 feet back from Linglestown Road.

Mr. Guise would agree, excluding the corner property.

Mr. Guise made a motion to recommend to the Board of Supervisors, with respect to the rezoning of Linglestown Road from Wenrich Street east to the Sasha's property, that all those lots except for the first lot immediately east of Wenrich Street, be rezoned to Business Campus District on a line 400 feet in depth and parallel to Linglestown Road; the 400 feet depth shall not apply to the first two lots on the west and the last lot on the east, on which the zoning line should conform to the lot line. Mr. Newsome seconded the motion, and the motion passed unanimously.

Adjournment

The next regular Planning Commission meeting is scheduled for October 11, 2006 at 7:00pm at the Lower Paxton Township Municipal Center, Room 171.

Being no further business, the meeting adjourned at 7:45pm.

Respectfully Submitted,

Michelle Hiner
Recording Secretary