

LOWER PAXTON TOWNSHIP  
PLANNING COMMISSION  
Workshop Meeting

December 20, 2006

**COMMISSIONERS PRESENT**

Dennis Guise  
William Neff  
Fredrick Lighty  
Roy Newsome  
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 7:00 pm, on December 20, 2006 in Room 171 of the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

**Pledge of Allegiance to the Flag**

The Planning Commission recited the Pledge of Allegiance.

**Locust Lane at Fairmont Drive**

Mr. John Kerschner was present representing the Parmer Family Foundation, which is a charitable foundation established by George and Barbara Parmer to further the affordable residential opportunities. George Parmer is the president and owner of Fine Line Homes. The Parmer Foundation owns a 35-acre tract across from Dauphin County Technical School and has been in discussion with the Supervisors about their mission. The tract is zoned RC, Residential Cluster, via a rezoning. The Foundation also went before the Public Safety Committee and has amended the proposal according to the recommendations of that committee. They then went to the Zoning Hearing Board, and even though the Board was receptive to the ideas, they did not find unique physical hardship in order to grant the variance request. The Zoning Hearing Board suggested the applicant pursue other ways to obtain permission.

The Foundation attended the joint workshop in September with the Board of Supervisors and Planning Commission. After reviewing the ordinances, the Institutional District is an appropriate zone for the tract. The property across the street, VoTech, is already zoned Institutional District, and the vacant ground is zoned Institutional District.

The Institutional District is the only district that allows residential retirement type development.

The residential retirement use is a permitted use, and the only issue is that the zone allows buildings of six stories or 70 feet, provided the setbacks are increased. The RRD only allows buildings up to 40 feet tall. Since the RRD is only allowed within the Institutional District, it would be logical to have the same height restriction for both. The Foundation is asking that the RRD height regulation be increased to 70 feet to match the underlying zone.

The Foundation is proposing 6-story buildings. This is necessary to facilitate the affordability of the units, and keep the units close enough to the services provided within the development.

There are other RRD proposals being worked on in Lower Paxton Township. This development would be an apartment style building that would provide residential opportunities for older independent adults and allow them to get out of the larger homes that they do not need anymore. It also provides them a community setting. The RRD requires an application be submitted showing how the requirements are being met.

Mr. Kerschner stated the plan meets all three objectives of the two goals in the comprehensive plan with regard to the housing element. One goal is to maintain the quality and diversity of the housing stock. Allowing this new development allows the recycling of the existing homes to new families. The second objective is diversity. This type of residence is not provided elsewhere in the Township. This apartment complex would be the only one specifically geared toward the elderly. Goal 2 is to provide housing alternatives to seniors. This is not to compete with the others, but it addresses affordability and a rental aspect, whereas the others do not do that. This Foundation is not for profit.

Mr. Newsome stated that the practice of increasing the setbacks as the heights are increased is used in other communities and cities and has been for a long time. Mr. Newsome suggested this be considered as a general modification of the zoning ordinance on all buildings, not just the RRD. Mr. Kerschner stated this is a regulation in the Institutional District now. Mr. Kerschner stated the regulation provides flexibility in the use of the property, and it also helps protect existing properties around the development.

Mr. Kerschner stated they discussed the issue with the Public Safety Committee and they felt that as the Township gets more developed, it makes sense to go upward to take advantage of the infrastructure already in place.

This tract is 35 acres and Mr. Kerschner stated they will not maximize the density of the lot. They are asking for six stories because that is the most efficient. Another reason is to keep the residents close to services, and close to each other.

Mr. Lighty asked why the applicant felt six stories was best. Mr. Kerschner stated the optimum would be an 18 story building under one roof. That would not be realistic.

Mr. Newsome asked where the limit should be on height restrictions.

Mr. Newsome asked the Public Safety's response to the height. Mr. Kerschner stated they had three concerns: full access around the entire building, sprinkler system and a stand pipe system in the building. With those things, they can adequately address the safety.

Mr. Newsome asked with what height they were comfortable. Mr. Kerschner stated they were not concerned with the overall height. Fire chiefs felt comfortable with height, even the buildings higher than their ladders since there are ways to fight those fires.

The buildings are proposed to be interconnected, so the connection will either be below grade, or a second or third story connection, so the emergency apparatus have full access to the buildings.

Mr. Guise asked about the land to the east. Mr. Kerschner stated that land is the church and then Fairmont Drive.

Mr. Guise felt the height restriction should have different considerations when the subject parcel is next to an R-1 zone. Mr. Guise would be comfortable with 70-75 feet, but not much more than that because it is adjacent to an R-1 zone.

Mr. Guise suggested a text amendment say something like a residential retirement district adjacent to R-1, the height should be restricted to 70 feet, otherwise it should be determined based on the adjacent zoning.

Mr. Kerschner noted that the applicant is asking for 75 feet to complete six stories so that it can be architecturally pleasing and look more residential rather than like a hotel. They would include a pitched roof, a first story of 12 feet in height; there are interior stairwells, and a covered entry with a nice porch for sitting.

Mr. Neff asked the average square footage of the units. Mr. Kerschner stated some are one-bedroom and the end units are two-bedroom units. They would include a kitchenette, and a living room. The units would vary from 1,000 to 1,200 square feet.

Mr. Neff questioned the number of units. Mr. Kerschner answered 360 units, 120 in each building.

Mr. Guise asked if there would be a cafeteria. Mr. Kerschner answered yes. That would afford the residents convenience for meals. There would also be transportation services but no medical services. It is not assisted living, it is an apartment.

Mr. Guise asked if the ancillary uses are still allowed in the RRD. Mr. Kerschner answered yes, adding that they would not have dedicated space, but rather flex space for service providers.

Mr. Guise asked if the units will be rented. Mr. Kerschner answered yes. The goal of the foundation is to base the rent on income or ability to pay to make them as affordable as possible.

Mr. Kerschner stated they are not sure how to calculate the number of vehicles that go with this use.

The RRD requires the units be at least 80% 55 years old and older. The other 20% would be for special family situations that are in need.

Mr. Kerschner noted that since this is a not-for-profit project, the Foundation is trying to form a partnership with the Township.

Mr. Newsome asked if the applicant is a registered 501c. Mr. Kerschner answered that the Foundation is registered.

Mr. Lightly asked what height the foundation really is interested in. Mr. Kerschner answered 75 feet.

Mr. Newsome noted that the issue of how height is defined has come to litigation in other communities, and felt it should be worked out very clearly so there is no discrepancy. Mr. Kerschner stated that one definition takes the average height between the eave and the roof peak and measures with the average elevation.

Mr. Neff asked the applicant to describe the work proposed on the highway in front of the building. Mr. Kerschner anticipated widening along Locust Lane, extending the improvements done in front of the church, including the curbing and sidewalks. They would install any turning lanes necessary. Locust Lane is a PennDOT road. A preliminary traffic evaluation was done based on the land use proposed. It will generate traffic, but will be less than a typical residential development. This development will not conflict with the peak hours. This use peaks mid day, about 25-30 trips per peak hour. It will not conflict with school and work hours.

The car is the last bit of independence for a person moving into a 55+ apartment and will probably hold onto the car as long as they can. Mr. Neff agreed.

Mr. Neff asked if there is access to any other road. Mr. Kerschner answered no, there is an access to the west, but the Foundation has agreed to not tie into that stub street. (Shope Place)

Mr. Newsome stated that the Planning Commission did recommend approval of the TND to the south of this subject site. The TND will have a small commercial core and there should be some pedestrian access from the apartments to the commercial area since it will be so close. Mr. Kerschner noted Mr. Parmer is very pedestrian oriented in all of his developments. Mr. Newsome felt there is a need for sidewalks on the school property, but also over, through or under Locust Lane.

Mr. Lighty noted a very weak link in this area is going north on Fairmont Drive at the stream crossing, and asked if that is going to be improved. Ms. Wissler stated that she was not aware of any improvements planned. Mr. Lighty stated that two cars do not fit on the bridge and there are many problems there. Mr. Kerschner noted that the Township did secure the right-of-way to make improvements some years ago when the Wagner property was subdivided.

Mr. Lighty stated those improvements need to be considered as the Township works on the two large developments in the area.

There was no comment from the audience on this proposal.

Mr. Guise made a motion to recommend the rezoning of parcel 35-61-32 for the Parmer Family Foundation from RC to Institutional District, and further recommend a text change to the zoning ordinance to allow for structures up to 75 feet high within the entire Institutional District, including the Residential Retirement Development. Mr. Beverly seconded the motion and the motion carried unanimously.

#### **5999 Avis Lane**

Mr. Guise asked for clarification on location of the lot on the drawing submitted.

Mr. Newsome made a motion to recommend modification of the zoning of 5999 Avis Lane from R-1 to Village. Mr. Neff seconded the motion and the motion passed unanimously.

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

Ms. Susan Smith, Reager and Adler, was present representing Mr. Eshenaur. Ms. Smith stated that Mr. Eshenaur's property has had a non-residential, non-agricultural use on it for over 50 years. The property was rezoned about 10 years ago to an appropriate zone for his uses, gas facilities and commercial operations.

The proposal is to rezone this and other non-residential properties to Business Campus District. Information was presented at the last meeting suggesting that might be

a very intensive land use with regard to the road system. Mr. Eshenaur would prefer a different zoning. They are looking at a commercial district, which might mean creating a new district. It could be a business commercial district, combining the existing commercial district, but calling out some uses that may be offensive in an entrance way area and incorporating the access restriction and the landscaping requirements of the BC zone. That would allow the Eshenaur property and the others in that area to continue the non-residential uses. These properties are not going to convert back to agricultural because of the compromised land area. This would provide the opportunity to expand within the confines of the site and would provide standards for an entranceway concept along the roadway, using joint driveways.

Mark Levine, 1507 Knoll Crest Road, spoke on behalf of SWAN. The Board of Supervisors thought that SWAN was only interested in the Stray Winds Farm project. That was initially the objective, however, over the last year; SWAN has maintained a firm nucleus of people that are very committed to the Township. Mr. Levine explained that his profession is a distribution designer for an electric company, bringing electricity to new developments and industries throughout Berks, Chester and Lehigh Counties. There are many professions represented within SWAN that remain to help their neighbors. They have helped with moving a dumpster away from a residential property line. They have helped with getting the \$1.8 million for the improvements to Crums Mill Road.

With regard to the Linglestown Road corridor, SWAN is in agreement with Ms. Smith. The properties should be grandfathered. Mr. Lighty stated that they are grandfathered.

Mr. Levine stated that they should be able to have the same uses without restrictions. SWAN would like to see that corridor extend the look and feel of Linglestown Road to the west of the Square, and behind that should be residential.

SWAN is extremely concerned because traffic goes two ways, not only to I-81, but also back to Linglestown. There is a concern over whether the money from the government has not been received yet, and there is some doubt as to if it will be sent.

Mr. Levine stated that just before Wenrich Road, there are two cemeteries, on either side of the road. One request of SWAN is for 30 foot off centerline easements to be placed by the Township on properties as they are being sold. They would not be acted on, but the Township would have a 30 foot easement, or a 60 foot spread, for road widening and utilities and turning lanes.

Mr. Levine stated a utility will move a pole for free if the Township asks them to and those poles are in public right-of-way. If they are in private right-of-way, normally 17 feet off centerline, that is where a pole will be put so the company does not have to pay a tax. All municipalities in Berks County collect money for every utility pole in public right-of-way. Mr. Levine suggested that if the Township asks, instead of having

Triple Crown pay for it, the utilities will move the poles. Utilities do not want to place poles in public right-of-way unless it is absolutely unavoidable, because of that reason.

Mr. Levine offered the following comments with regard to the 330 acre property at 1331 Wenrich and 6680 Larue Street, owned by Yingst, and 6690 Blue Ridge Avenue and Piketown Road. Not everyone is committed to the Cluster, since it squashes all those extra homes into a smaller amount of property, less than ½ acre per single home. Mr. Levine thought, if he were a developer, he would take 330 acres and cluster it and get 10% more houses, 1333 houses being built on that property. If they got greedy and build for seniors, they can get 8 houses on an acre, which would get him 2,666 houses. The land he would set aside would be the transmission tower line and the 100 foot easement for about 90 acres, across the street from the substation there is another transmission line on poles through the woods with another 100-foot easement making another 90 acres. The developer would then want to set aside the bedrock area since he cannot put a basement there. Adding all that up gets the 30% so called green space and he has earned his 2,000 houses on a two-lane road. This is where the 30 extra feet come in to play.

Because of the way that area is growing up, SWAN feels that they need some additional available space for the road.

Mr. Lighty asked if the recommendation to try to get the 30-foot easement was SWAN's only recommendation. Mr. Lighty asked if SWAN has a position on what the zoning should be for that portion of Linglestown Road. Mr. Levine stated that the major majority of the SWAN folks feel that there should be a new zoning for 4 houses for 3 acres minimum, or a ¾ acre lot. Then the clustering should go from there. Certain lands, such as preexisting roadways, wetlands, streams, steep slopes, should be excluded from the calculations, since they cannot build on it anyhow. After taking that out, they would be down to ½ acre per house.

Mr. Lighty asked if the following statement was true: SWAN wants a new zone, but if that is not done, they want it to remain AR. Mr. Levine stated no, because AR is too unreasonable. AR is 2 ½ acres per household and is usually restricted to a mountainside. They should be ¾ acre lots, and they should dig their own well, but have to connect to public sewer.

Mr. Lighty asked if Mr. Levine is speaking on behalf of SWAN, and if the views expressed are the views of the entire SWAN organization. Mr. Levine answered that there are some people that feel yes, and some that feel no on the issues mentioned tonight. Mr. Lighty asked if SWAN has meetings and votes on these issues. Mr. Levine answered yes. Mr. Lighty asked if what Mr. Levine said tonight is the majority vote from SWAN on these issues. Mr. Levine stated that the majority has not specifically spoken about the Linglestown Road zoning issue, but they have exchanged emails.

Mr. Guise asked if AR was 2 ½ acres, or 1 ½ acres. Mr. Lighty answered one house per 1 ½ acres. Mr. Guise added that they can be clustered. Mr. Lighty noted that

developers do not get credit for steep slopes, wetlands, roads or places where they could not otherwise build.

**Commissioners Discussion**  
**Regarding the Zoning along Linglestown Road**  
**between Wenrich Street and the eastern boundary of Lower Paxton Township**

Mr. Lighty stated the new zoning ordinance and map adopted in 2006 rezoned this portion of Linglestown Road to AR. Mr. Guise stated this area is outside the growth boundary of water and sewer. Mr. Lighty stated it was suggested that the area go back to the prior commercial district prior. The traffic numbers were then generated, and the Supervisors and the Planning Commission agreed that was too intense and generated too much traffic. The Commission recommended Business Campus, and felt that was a compromise. Those traffic numbers turned out to be much higher than expected, but less than the commercial use.

The area could remain AR, be changed to BC, or write a new ordinance.

Mr. Guise felt there was some allure to a new zone, but felt it should be like a rural commercial area. Areas that are outside the areas for public sewer and water, would be required to have larger lots and much less intense commercial uses. Some commercial and office uses would be allowable. This would be for areas that are essentially rural in character, but have commercial uses because they have access to a highway that has commercial uses. The general idea would be less intense uses than CG and NC, and would allow a variety of uses but not big box stores or uses that would exacerbate the traffic conditions. The BC recommendation was made with the awareness that this area is outside the growth area, which is a self limiting factor. The figures received are based on build out, which cannot realistically happen unless the 537 Plan and the entire corridor are changed.

Mr. Guise noted that writing a new zone is contrary to one of the Township's goals.

Mr. Guise stated a zoning district is not supposed to be written to accommodate existing uses. All the uses there now will be non-conforming no matter what zone it becomes. This area should be zoned to what the Township wants the area to be, not to fit what is there.

Mr. Newsome asked if the Commission is in agreement that the north side of Linglestown Road is not under consideration for rezoning. Members agreed. Mr. Newsome stated he is very opposed to writing a new district. Mr. Newsome further stated he had no intention of supporting the kind of development staff mentioned could

occur in the BC zone. One alternative could have been to cut back on the land area under the rezoning.

Mr. Newsome felt that, rather than bring in more intense development, they should maintain what is currently in place. Non-conforming uses regardless of the number of years in use could continue.

Mr. Newsome suggested reverting back to the zoning originally set by the future land use map.

Mr. Guise asked the audience if they have heard or seen any interest in using or insupport of the BC zoning. One audience member stated she had not heard anything. Mr. Guise felt that was an important indication. Mr. Newsome stated that the commercial impact would go in the opposite direction as to what the Commission was trying to accomplish.

Mr. Gingrich felt that is the reason the Commission compromised to the Business Campus District. He was also very surprised by the numbers that staff generated, and felt the scenarios were somewhat liberal and unrealistic. Mr. Newsome agreed.

Mr. Gingrich stated that Mr. Schmehl explained that one advantage of a BC zoning is that it would not be absorbed right away, whereas the opposite is true for a commercial zoning. For these reasons, Mr. Gingrich favors the BC over Commercial. Mr. Gingrich agreed with the idea of limiting the area to be changed, but was not sure what the area should be at this time.

Mr. Neff suggested doing nothing at this point and let the development dictate where the area should go. There is no reason the Commission can't look at this area again in the future if needed.

Mr. Newsome agreed noting that any property owner could come in at any time and request a rezoning. There are several parcels that could practically stand alone and not be considered spot zoning, if sewer and water begin to develop in the area.

Mr. Neff noted that there was a comment that the area was zoned commercial for the last half decade, and nothing has happened. So the zoning didn't mean anything to new growth.

Mr. Neff stated that if West Hanover does something like a Wal-Mart, it would drastically change where traffic will go through that area.

Mr. Guise noted that the major traffic impact on Route 39 was the high school, and the normal work rush hours. If something commercial went along that corridor, it would probably try to serve that population. Mr. Gingrich noted that the evening peak would not be as bad as the morning since school lets out before the work day.

Mr. Guise agreed with the comments made by Mr. Neff and Mr. Newsome because there is no demand for Business Campus, and there is a request to remain commercial, and it is now zoned Agricultural. It may be best at this time to remain as it is, and look at it again in the future, if needed. Mr. Guise was sensitive to Mr. Eshenaur's concerns, but noted that the property has gotten along fine with the non-conforming designation. If Mr. Eshenaur feels he needs to request a rezoning for his property, he can do that. This was supposed to be a comprehensive look at Linglestown Road, and not a property-by-property request.

Mr. Guise suggested withdrawing the recommendation to rezone the corridor to Business Campus, recommend that it remain zoned as it is, until further development warrant different consideration.

Ms. Smith corrected the conception that nothing has been developed in that area for a long time. She stated that Mr. Eshenaur has made significant investments in his property utilizing the then-current zoning. Buildings were constructed, his fuel tank usage was expanded and was not non-conforming. Mr. Newsome stated it is nonconforming. Mr. Eshenaur stated it was not nonconforming when it was done. Mr. Guise disagreed with Mr. Eshenaur. Mr. Eshenaur stated it was not nonconforming, because he spent a lot of time getting the commercial zoning back the way it was, and then in 1996 got it rezoned to commercial and put up a 6,000 square foot warehouse and a 30,000 gallon propane tank. Mr. Lighty stated those were done under a conditional use. Mr. Eshenaur stated the warehouse did not require a conditional use; it was permitted under the commercial zoning.

Mr. Lighty felt the Commission was in agreement with leaving the area the way it is. Mr. Lighty did not want the area to be developed commercial. If the Township is trying to resurrect Linglestown Proper, and the commercial development is desired within the Village, the idea of letting the developers develop something new versus putting the extra investment into the Village is wrong. If the area needs a more intense use, Mr. Lighty liked the Business Campus for that, noting it is already established a mile on the other side of the Village.

Mr. Newsome made a motion to withdraw the recommendation to the Supervisors regarding the possible rezoning of the area in question from Agricultural Residential to Business Campus, and further let the area remain as it has evolved in the development of the Comprehensive Plan and the Zoning Ordinance. Mr. Neff seconded the motion, and the motion carried unanimously.

### **Other Business**

Mr. Neff stated that the Commission will have discussions relative to the request for rezoning done by Giant Foods, the McNaughton Company, and Sportsman's Golf Course. Mr. Neff assumed that the rezoning is still in limbo at this time. Mr. Neff drove

around the area, and visited the planner at Susquehanna Township. The planner gave Mr. Neff a copy of the Susquehanna Township zoning map, and requested a copy of Lower Paxton Township's zoning map.

Mr. Neff noticed that the area around North Progress Avenue could swing around and tie into McNaughton's proposed road. That would create three ways to get in and out of a high density area, and an opportunity to go behind the assisted living complex, and get to the Interstate.

Mr. Neff suggested discussing this with Susquehanna Township at a staff level to see if the areas could interconnect.

### **Adjournment**

The next regular Planning Commission meeting is scheduled for January 10, 2007 at 7:00pm at the Lower Paxton Township Municipal Center, Room 171.

Being no further business, the meeting adjourned at 8:25pm.

Respectfully Submitted,

Michelle Hiner  
Recording Secretary