

LOWER PAXTON TOWNSHIP  
PLANNING COMMISSION

August 13, 2008

**COMMISSIONERS PRESENT**

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

**ALSO PRESENT**

Dianne Moran, Planning & Zoning Officer  
Lori Wissler, Planning & Zoning Officer  
Stephen Fleming, HRG, Inc.  
Omar Syed, Dauphin County Planning Commission

**CALL TO ORDER**

Mr. Lighty called the regular meeting of the Lower Paxton Township Planning Commission to order at 7:00 pm, on August 13, 2008 in Room 171 of the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Mr. Gingrich led the recitation of the Pledge.

**APPROVAL OF MINUTES**

Mr. Grove made a motion to approve the minutes of the July 9, 2008 regular meeting. Mr. Beverly seconded the motion, and the minutes were approved as submitted.

**OLD BUSINESS**

**Text Amendment**  
**Section 306.B.1.(b)**  
**Communications Towers**

Ms. Wissler stated that the amendment to include antennae/towers as a permitted use on public utility substations in the R-1 District was reviewed by the Planning Commission at the July meeting. The Commission did not think that antennae/towers should be a permitted use in the R-1 District. They felt that antennae/towers that do not meet Section 402.A.16.a located on public utility substations should be a special exception use in the R-1 District. They also agreed that the amendment should include the definition of public utility substation.

Ms. Wissler noted that, although the change was proposed by the Commission, Township Solicitor Steve Stine recommended that, in order to follow proper procedures, it should come back before them for another recommendation.

Ms. Paula Leicht was present on behalf of the text amendment.

Mr. Lighty asked if the text changed. Mr. Guise noted it has only changed as recommended by the Planning Commission. Ms. Wissler stated the change is that the use is now a special exception in the R-1, Low Density Residential District, and was originally proposed to be a permitted use in the R-1.

Mr. Omar Syed, Dauphin County Planning Commission, suggested using a different phrase than “public utility substation” as it implies electric substations. Mr. Newsome asked if the term is defined in the ordinance.

Ms. Wissler stated that the proposed amendment includes a definition. Mr. Lighty stated that the definition defines it as more than just electric. Ms. Wissler stated that her research showed frequent use of public utility substation. Mr. Syed suggested a different word other than substation be used, such as public utilities and municipal facilities. Ms. Wissler cautioned that that include other facilities as well. Mr. Guise stated that the amendment includes a definition, so there should be no question as to what is meant.

Ms. Leicht stated she has also done some research as well, and found that the common term for such a site is public utility substation.

Mr. Newsome suggested that staff keep a list of these types of issues so that they are available when it is time to revisit the ordinance.

There was no comment from the audience.

Mr. Newsome made a motion to recommend approval of the text amendment, as amended, to the Board of Supervisors. Mr. Beverly seconded the motion and a unanimous vote followed.

### **NEW BUSINESS**

#### **Preliminary/Final Subdivision Plan #08-12** **Triple Crown Corporation**

Ms. Wissler stated that the purpose of this plan is to create a residential lot addition to be incorporated into the existing Lot #2 of the lands of Douglas Neidich. No construction is proposed with this plan. The property is located south of Linglestown Road and west of Colonial Road. It is zoned CN, Neighborhood Commercial District, R-1, Low Density Residential District, and R-2, Medium Density Residential District. The tract possesses 27.05 acres and is served by public water and public sewer.

The applicant has requested a waiver of the preliminary plan requirement, and waiver of the requirement to provide sidewalks, curbing and widening along Linglestown Road.

Mr. Syed, Dauphin County Planning Commission, had no further comments.

Mark Coakley, Triple Crown Corporation, Jaycee Avenue, Harrisburg, was present on behalf of the plan.

Mr. Lighty asked if the applicant has received comments from Staff, County and Township Engineer. Mr. Coakley stated he has, and requested a clarification on staff comment #15. That comment asks that Triple Crown withdraw the plan for Crown Center. Because they will retain the commercial part of the property, they would like to revise that plan to reflect the changes being made by this plan. Ms. Wissler stated that was fine.

Mr. Coakley stated he had no problems with the other comments.

Mr. Lighty asked about getting sidewalks, curbing and widening at a later point. Mr. Coakley stated they hoped to wait for the redevelopment of the property, which does include the driving range. Ms. Wissler agreed that was appropriate.

Mr. Guise asked about a waiver for stormwater management, and noted the waiver must be submitted in writing. Mr. Coakley stated he understood. Mr. Lighty stated that waivers are to be submitted before the meeting. Ms. Wissler stated she will accept it if the Planning Commission includes it in their motion.

There was no comment from the audience.

Mr. Guise made a motion to recommend approval of the plan, and approval of the waivers for a preliminary plan and for sidewalks, curbing and widening, provided that the waiver will only be in effect until redevelopment of the lot, at which time the issue will be revisited. He further moved to recommend approval of the waiver to submit an E&S plan, and that the approval of the plan be subject to compliance with the comments. Mr. Gingrich seconded the motion and a unanimous vote followed.

**Preliminary/Final Subdivision & Land Development Plan #08-13**  
**Community General Osteopathic Hospital, Oncology Center**

Ms. Wissler stated that the purpose of this plan is for the construction of a 46,000 square foot two-story expansion on the north end of the hospital for an Oncology Center that will include medical imaging and treatment. The expansion will also include a 1,900 square foot expansion of the existing hospital lab facility and a remote 6,000 square foot utility facility with two future 1,500 square foot expansion areas. The plan also proposes the consolidation of three lots owned by Pinnacle Health Systems. A waiver of the requirement to submit a preliminary plan has been requested.

Steve Quigley, H. Edward Black & Associates, was present on behalf of the plan.

Mr. Quigley oriented the Commission to the pdf displayed on the screen, showing the hospital, and the imaging center, which will have two stories plus the basement.

Mr. Quigley showed the areas of the parking lot that will be reconfigured to accommodate the additional parking. The other building being added is the 6,000 square foot utility building, which will house the generator, steam and cooling tower behind it. With regard to noise, the code calls for a maximum of 60 decibels at the neighbors property line, but he has instructed that it be 60 or less at CGOH's property line instead of across the street, without the plantings installed. The plantings will screen the facility, and will help the sound, but they want to make sure the sound is 60 or less before the plantings are installed. There is some regrading to be done to the existing basin, so they have included a retaining wall to allow for additional parking. The existing MRI imaging building will come down after the equipment is moved into the new building, and that area will be used for additional parking.

Mr. Lighty asked if the applicant received the comments. Mr. Quigley stated he has, and he has already been in contact with Ms. Wissler and Mr. Fleming to work those out.

Mr. Grove asked if the utility building will be a co-generation facility. Mr. Quigley stated it is not, yet, but they are working on it.

Mr. Newsome recalled that a previous presentation indicated a realignment of the parking would make access to the hospital easier on the pedestrians. Mr. Quigley stated that is not included in this project, simply for economic reasons. Instead, they will direct foot traffic towards the islands and down. He noted that because of the retaining wall, there are ADA ramps to get around that, so the people would walk that way anyway. Mr. Newsome noted that the parking lot is getting even bigger, so the walking distance is growing. Mr. Quigley noted the code forces him to do so.

Mr. Guise asked about the traffic study, and the intersection of Londonderry Road and Arlington Avenue, which appears to drop to failing, as well as Londonderry Road at Sir Thomas Court which drops from C to F. Mr. Craig Mellott, of TPD, stated that the number behind the level of service, i.e. F-53.4, means an average wait time of 53.4 seconds. Mr. Guise noted that most do not go down. Mr. Quigley noted that it would be failing without this addition. Mr. Mellott noted that the change in service is a matter of about 3-4 seconds.

Mr. Lighty asked when staff felt the Township should look for something more from the developer regarding traffic. Mr. Fleming stated that the next expansion will require more. Mr. Quigley noted that an agreement was made between the Township and the Hospital, and the Hospital will negotiate a fair-share commitment towards a light when it becomes necessary.

Mr. Syed had no further comments, nor were there any comments from the audience.

Mr. Newsome asked when the construction will begin. Mr. Quigley stated they want to start in October or November.

Mr. Gingrich made a motion to recommend approval of the plan subject to the comments, and to recommend approval of the wavier request. Mr. Grove seconded the motion and a unanimous vote followed.

**Preliminary/Final Land Development Plan #08-14**  
**Giant Food Stores, Fuel Island**  
**The Point Shopping Center**

Ms. Moran stated that this plan proposes the construction of a six pump (12 vehicle fueling position) fuel island at the Point Shopping Center. The site is located along the southern side of Union Deposit Road just west of East Park Drive on the existing outparcel (previously occupied by Denny's).

Access to this site is currently provided by one existing right-in/right-out driveway to Union Deposit Road and a driveway connection to the internal access drives within the mall. The property is zoned Commercial General District and is served by public sewer and public water. The area to be developed is 38,226 square feet.

On May 19, 2008 the Board of Supervisors granted conditional use approval to Giant Foods through application 08-02 in order to use the site as a fuel dispensing station.

The applicant has requested the following waivers: waiver of the requirement to provide sidewalks; waiver of the requirement to provide a preliminary plan; waiver of the requirement to provide a Stormwater management plan; waiver of the requirement to provide USGS datum elevations; and waiver of the requirement to provide concrete monuments. Ms. Moran noted that staff does support all five waivers.

Tim DeWire, of J. Michael Brill & Associates, was present on behalf of the plan.

Mr. Syed asked about a radius at the driveway to Union Deposit Road. Mr. DeWire stated that the driveway is existing, so they do not propose to make any modifications. He noted there is a 90 degree angle in the curb. He stated they have looked at the turning movements and a passenger vehicle can make it in there, and they will stripe the driveway to mark the egress and ingress lanes. The intent is to maintain the driveway, so as to avoid a State highway occupancy permit process. Mr. Newsome asked if the applicant is not proposing to ease that right angled curb at all. Mr. DeWire answered that they do not want to change that at this point. Mr. Newsome felt they should. He noted that simply because cars used it in the past does not mean it is right. Mr. Newsome agreed with Mr. Syed, and wanted to see a radius put on the intersection like the other intersection.

Craig Mellott, TPD, noted that a PennDOT HOP would be required to do the curb work. Mr. Newsome still would like to see the change.

Mr. Newsome stated that for years, this Township did not require adequate radii at intersections, particularly within parking lots, and that ought to be corrected.

Mr. Gingrich suggested that driveway be used as right-out only, and incoming traffic can use the main driveway for the shopping center. Mr. DeWire stated he could discuss that with his client.

Mr. Mellott clarified that PennDOT will only require an update to the HOP if changing classifications. Denny's was a low volume use, and the fuel pumps will also be a low volume generator, so they may not necessarily be required to update the permit.

Mr. Newsome suggested that using the driveway as an out only would create more vehicle conflicts internally where, cars exiting the shopping center, which typically go too fast, will cause problems getting into the fuel station. Mr. Lighty agreed that people inside that parking lot go too fast and there are too many different travel lanes in a very small area. He speculated that there will be a lot of accidents there. Mr. Newsome agreed. Mr. DeWire suggested a right-in/right-out at Union Deposit Road may be a good idea so that customers only going to the gas pumps can do so without dealing with the internal traffic. Mr. Lighty noted that will still be a dangerous turn.

Mr. Lighty stated the Denny's did not use the driveway off Union Deposit Road as much as the rear entrance. Mr. DeWire stated that the crash data was requested for that driveway, but the information received was for a wider area, including the main drive, but there was no prevalence of reportable crashes (accidents including injury, fatality or undrivable vehicles).

Mr. Lighty noted that the planted island at the main drive is overgrown and makes it impossible to see oncoming traffic.

Mr. Guise asked about the carwash. Mr. DeWire stated there was a plan that included a carwash, but after receiving the comments from the Planning Commission meeting, the applicant decided to remove the carwash from the plan. The conditional use plan was approved without the carwash. The carwash was a permitted by right use, but there were too many concerns raised.

Mr. Grove asked about travel pattern for the supply trucks. Mr. DeWire stated they would not use the front entrance, they would instead use the entrance off East Park Drive by the bank, towards the rear of Burlington. That is the entrance all the trucks use. They would come in off East Park Drive, up the main center drive, and he referred to the diagram showing the circulation on the site.

Mr. Newsome stated that the plan does not show a proposed stop sign at Union Deposit Road. Mr. DeWire can add that, after checking with PennDOT.

There was no comment from the audience.

Mr. Guise made a motion to recommend approval of the plan, and approval of the five waivers, subject to compliance with the comments from staff, county and HRG. The motion included a recommendation that the applicant adjust the eastern driveway to add a curb radius where there is a right angle existing. Mr. Newsome seconded the motion and a unanimous vote followed.

### **Shadebrook**

Mr. Lighty stated that he and Mr. Newsome are on the TND Subcommittee, which met last week to look at this issue. It was felt that the applicant should bring it to a regular Planning Commission meeting to present the changes proposed. The goal tonight is to make a recommendation to the

Township as to whether the change is substantial to warrant starting the process over, or if it is not substantial enough of a change to the master plan to affect the density bonus.

John Snyder, Rettew Associates, was present on behalf of the plan. Mr. Snyder explained that since April 2008, the applicant has been evaluating the marketing of the project. Accordingly, they have reduced the square footage from 88,000 square feet per floor to 56,000 per floor, or a one-third reduction. This may sound like a lot, but the emphasis of a TND is the streetscape and store fronts. That is not changing, nor is the architecture.

Previously, there were seven buildings, to be done in four phases. They have reduced the depth of the buildings, from 85 feet to 60 feet. However, they expanded the storefront area and the frontage, as is crucial in a TND. There is about 1,400-1,500 linear feet of street frontage. The previous plan called for narrow passage ways between the buildings. That was shown to be basically unusable, or wasted space, and an area for vandalism. This plan calls for four buildings with wrap-around streetscapes, extending the "main street" onto the sides, allowing for more corner opportunities for commercial establishments. This plan has a center courtyard.

On the right side, behind commercial building B, there had been four townhouses. They want to change that to four duplex units. This will not increase the number of units. This will allow a more complete streetscape, keeping more buildings from the vehicles traveling south on Fairmont Drive. It eliminates the view-shed of the back of the commercial buildings. It also creates a terminating vista, you can see the portion of Cider Press Road.

Mr. Snyder explained that the project has a 5% density bonus. There is a minimum allowable percentage of commercial area of 5.25%. With the change from townhouses to duplexes, that figure goes to 5.19%.

With regard to parking, a special exception would have been needed for the amount of parking. That has been eliminated with this change. There are 467 spaces provided. The first floors will be retail or restaurant uses, and the second floors will be office uses. Those uses call for 459 spaces.

Mr. Snyder showed the Commission the perspectives of the architecture.

Mr. Snyder stated he does feel this change is minor in nature, and does not change the intent of the TND, and that it seems to be enhanced, and make it more sellable.

Mr. Guise asked if there are two floors of office space. Mr. Snyder stated that there is only one floor, and the dormers are decorative.

Mr. Newsome stated he and Mr. Lighty spent a lot of time with this applicant working out how significant the changes to the plan are. The bottom line remains economic reality. There was an article in The Patriot-News about new shopping centers, saying that Lower Paxton Township is built out.

Mr. Snyder stated they also looked at national retailers and their space requirements. Red Wing Shoes has a model with a 45-foot depth. Bank of America has one with 40 feet; Holiday Hair has one

with 49 feet; Kay Jewelers has one with 58; Starbucks 45; Panera has a 58-foot unit; Dunkin Donuts has a 42 foot. Gap and Quiznos need 60 feet, so they would not be accommodated. Even with the building reduction it will still accommodate the national retail chains. The mom-n-pop stores would not be able to go into these buildings.

Mr. Lighty stated there was a percentage of completion with regard to residential/commercial for the seven buildings. The schedule is now back to what the Commission asked for originally, 25% increments. This is not based on phases, but rather on number of building permits.

Mr. Guise stated that the plan appears reasonable and the schedule seems more advantageous, and the changes are not substantially changing the overall TND concept of this plan. The streetscape concept is maintained. Although the area is decreased slightly, it is based on reality. He thought that making the location viable is key to their success.

Mr. Snyder stated that the block length of the main street itself is the same. By increasing the sidewalk and expanding the streetscapes, they have increased the frontage of available store fronts. Mr. Lighty stated the main street is supposed to feel special, and this change enhances that.

Mr. Syed agreed the additional open space and streetscape are an enhancement to the plan.

There was no additional comment from Staff, nor comment from the audience.

Mr. Guise made a motion to recommend to the Board of Supervisors that the proposed change to the commercial district in the Shadebrook Land Development Plan and Conditional Use reducing the square footage of the commercial buildings does not constitute a substantial change from the previous Master Plan and does not require a change in the calculation of the density bonus. Mr. Grove seconded the motion and a unanimous vote followed.

Mr. Snyder asked if the applicant should revise the Master Plan in accordance with this change, after the preliminary plan is approved with this change. Mr. Lighty stated that should be done before a Final plan is submitted. He suggested that the Supervisors can approve the Preliminary plan conditioned upon the Master Plan being revised.

Mr. Guise made a motion to recommend to the Supervisors that they condition their approval of the preliminary plan on conforming revisions to the Master Plan. Mr. Newsome seconded the motion and a unanimous vote followed.

### **Public Comment**

There was no further public comment.

### **Commissioner & Staff Comment**

Mr. Lighty stated that there is no workshop meeting regarding the Route 22 Improvement District in August. He reminded the Commissioners to submit the items he needs for the presentation.

**Adjournment**

The next regular Planning Commission meeting is scheduled for September 10, 2008, at 7:00 pm at the Lower Paxton Township Municipal Center, Room 171.

Being no further business, the meeting adjourned 8:08 pm.

Respectfully Submitted,

Michelle Hiner  
Recording Secretary