

**LOWER PAXTON TOWNSHIP  
ZONING HEARING BOARD**

Meeting of January 29, 2009

Members in Attendance

Jeffrey Staub  
Gregory Sirb  
David Dowling  
Alan Hansen, Alternate

Also in Attendance

James Turner, Solicitor  
Dianne Moran, Planning & Zoning Officer  
Jessica Kurtz, Community Development Intern

**Docket # 1254**

Applicant: Parmer Family Foundation

Address:

Property: Parcel #35-061-032  
North Side of Locust Lane, West of Fairmont Drive.

Interpretation: The maximum number of dwelling units on the tract shall be determined based on an existing features map and a yield plan.  
The applicant proposes 150 homes, 90 of which will be single family detached, and 60 of which will be 1 or 2 bedroom studio style residences, or flats. The proposed density would be 4.18 per acre.

Grounds: Section 320.e.2, and Section 320.f, of the Lower Paxton Township Codified Ordinances pertain to this application.

Fees Paid: January 5, 2009

Property Posted: January 20, 2009

Advertisement: Appeared in The Paxton Herald on January 14 & 21, 2009

The hearing began at 7:06 pm.

Mr. Staub stated it is customary for the Board to enter as exhibits the application and site plans. The applicants had no objection to its doing so.

The following were sworn in: John Kerschner, Certified Land Planner; George A. Parmer, applicant, 911 Grove Road; and Dianne Moran, Planning & Zoning Officer.

Mr. Kerschner stated that the land is across from DCTS and is 35.868 acres. The Foundation desires to construct residential dwellings for independent active adults. The residential units will be one or two bedrooms detached cottages. There will also be studio-style flats. There will be a vibrant community setting, providing vital housing options as the residents of the area grow older, and no longer have the need or desire for the traditional larger home. The residents will be provided independent living opportunities, and through the accommodation of the Foundation's non-profit approach, and the economy of the scale of the project. The project will provide a housing option that the Township does not currently have. This will not provide full time medical care or assisted living. The community will be age restricted. There is a growing population that can benefit for this type of community.

Mr. Kerschner state that in 2006, the Foundation applied for a variance. Although the Zoning Hearing Board was supportive of the project, the variance was too great to be granted. The Board then suggested the applicant seek a legislative change to accommodate the project. Mr. Kerschner stated that the Foundation did spend a portion of 2006 and much of 2007 working with the Township, the Planning Commission and the Public Safety Committee and the Dauphin County Planning Commission. All of which recommended approval of the rezoning, the Board of Supervisors yielded to the public at a pretty vocal meeting.

Mr. Sirb asked about the request to change the zoning. Mr. Kerschner stated it was requested to change from RC, Residential Cluster to IN, Institutional District, which allowed for the higher density. The Text amendment was approved for the height issue. The change did not go through, so the zoning of the land is still RC.

Mr. Staub asked about the density. Mr. Kerschner stated they had proposed 360 units, which was about 10 units per acre.

From that point, Mr. Kerschner explained that they reevaluated the original concept taking into consideration the aspects that generated the most opposition. They continued to work on a plan so the Foundation could achieve its mission for affordable housing. The major change is the number and type of housing units. It went from 360 to 150 units, and instead of all apartment-style, the majority is now detached dwellings. That is more in keeping with the surrounding neighborhood. There are still 60 units of one or two bedroom flats. They could be sold as condominiums or leased out.

Mr. Dowling asked about the height of the buildngs. Mr. Kerschner stated that they will probably be 2 story buildings. The units will be one level living. Height will not be an issue, whatever is permitted is what will be abided by.

Mr. Dowling asked about the density of the surrounding neighbors. Mr. Kerschner presented Applicant's Exhibit #1, entitled Density References along the Locust Lane Corridor, from Prince Street to Nyes Road. Mr. Kerschner oriented the

Board to the aerial photograph showing the Locust Lane Corridor, as well as a photograph of the subject parcel. Going west to east, the neighborhoods and their densities are as follows:

Colonial Park Gardens: (Constitution, Mauretania, Virginia, etc)	5 homes per acre
Locust Hollow:	8 homes per acre
Creekwood: (Rosewood, Hollywood, Crestwood, Creekwood)	5 homes per acre
Locust Lane Acres (Ford, Edsel, Buick, Mercury)	4 homes per acre
Kent Gardens: (Embassy, Kay)	4.5 homes per acre
Pine Hollow Estates:	3 homes per acre
Marene Village: (Haney, Shope, Akron)	3 homes per acre
Devonshire Estates: (Clover, Timothy, Old Pond, Wheatfield)	3 homes per acre
Hearthside: (Embers, Fireside)	2 homes per acre
Spring Knoll:	7.8 homes per acre
Springford Village:	12+ homes per acre
Kocevar Farm Tract: (Shadebrook Development, not developed yet)	4.5 homes per acre
<i>Parmer Family Foundation Proposal</i>	<i>4.2 homes per acre</i>

Mr. Dowling asked how much of the 35 acres will be developed. Mr. Kerschner stated about two-thirds. Mr. Dowling asked about the wooded area. Mr. Kerschner stated they can develop the fringe of the wooded area, but the rest of it is on a slope so it will not be developed.

Mr. Kerschner stated that the detached homes would be conveyed via condominium ownership; therefore the Foundation will retain control of the neighborhood. The underlying ground and the common areas will be controlled by the condominium association. The flats can be sold as condos or leased out. The foundation has been visiting other independent active living places in the area to gather the best from all of them. At the time the individual no longer has use for the unit; the Foundation would purchase it back, update the home and put it back on the market. That will foster the affordability.

Mr. Kerschner stated that they eliminated the height issue, in response to the public input. There will be a community core for activities, gatherings. Storage will be provided as most people moving in here are downsizing their home.

The independent living facility is complimentary to the facilities already on the schools. It provides opportunities for the residents, such as volunteering at the schools.

Mr. Kerschner stated that Lower Paxton Township offers unparalleled amenities. They are diverse and attractive to this segment of the population.

With respect to the variances requested, Mr. Kerschner offered the following criteria.

*Unique physical conditions of the property.* Mr. Kerschner stated the site constraints of the property are the topographical features. The exceptional topographical conditions along the northern part of the property limit the ability to site homes on it or use it for access to Fairmont Drive. One of the biggest challenges is to incorporate the topography and existing natural features so that it blends well with the existing surrounding homes to benefit both the existing neighbors and the future residents of the development.

*No possibility of being developed without relief.* Mr. Kerschner stated that the unique physical conditions of the site do limit the ability to develop the property as intended. They feel that the topographic conditions are a contributing factor in the request for the variance to allow the specific dwelling type. If it weren't for the need to cluster the homes in the southern 2/3 of the tract, they could spread the homes out over the entire tract.

*The applicant has not created the hardship.* Mr. Kerschner stated that the topographic conditions are existing. He further noted that the number of units proposed are needed to generate the economy of the scale to make them affordable and to support the on-site amenities. Mr. Kerschner noted this is not an applicant-created condition, that it is rather a result of the demand for such housing in recent years, and that the population over 65 is 16%.

*The variance will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to public welfare.* Mr. Kerschner stated the Locust Lane corridor already exhibits a mix of land uses including single family homes, townhomes, apartments, schools, condos, churches, athletic fields, services, et cetera. The proposed density, 4.18 units per acre is slightly more than the neighborhood to the north, less than the neighborhood to the east, and in line with the neighborhood to the west. The field will no longer exist, but much of the woodland will remain, as well as the stream corridor. He noted that they are a local builder, and have worked in the area for years, and they will construct them to stand the test of time. With proactive site design, the development can coexist with the surrounding neighbors very nicely. This development will not impair future development, because the area is basically built-out. The criteria of not being detrimental to the public welfare can be

construed as decreasing the property values in the area. The low traffic, mature residents, the controlled maintenance, and the proactive site design all create a good neighbor setting. The proposed use will enhance the public welfare of the community.

*If the variances are granted, they represent the minimum variance.* They feel they have asked for the minimum relief to allow the project to be viable as intended. After the public hearing, they learned that the building height and the number of units were big issues. The height had been proposed up to 70 feet and 360 units. The current proposal is for 150 units. There was also an issue raised with parking, that is no longer a problem and they will comply with the requirements. The number of units went from 360 to 150, with the majority of those being single family detached dwellings. They have eliminated the request for relief from the height and parking requirements. They have asked for the minimum relief to allow the project to be viable.

Mr. Kerschner asked that if the Board was inclined to grant the request, that it be for an 18-month period of time to allow the applicant time to get through the land development process.

Mr. Kerschner cited several other amenities that benefit the community and are non-profit.

Mr. Hansen asked if the applicant has met with any homeowners associations in the area. Mr. Kerschner stated they didn't do that this time, but they had done that previously, and they feel that this revised plan addresses the concerns brought up at that time.

Mr. Dowling asked if the development will be age-restricted, and what defines an active older adult. Mr. Kerschner stated it is age-restricted, and the State defines that as 55 and older, with limitations on children. This development will target a population of 70 and above.

Mr. Dowling asked about maintenance and snow removal and lawn care and other typical condo association duties. Mr. Kerschner stated that will be done by the association.

Mr. Dowling asked if there is a development like this. Mr. Kerschner stated the Township does not have such an area, adding to the desire to develop this project. Mr. Parmer noted there might be something similar in Lancaster, but that this project will be unique. The Foundation has a passion to do this because they have encountered so many individuals that are in a house they cannot do the weekly or yearly maintenance on. There are some that have components similar to this, such as Messiah Village, Bethany Village, Masonic Home. Those offer all levels of living, whereas this will only offer independent living. There are facilities in the Township that offer assisted living and nursing homes.

Mr. Dowling asked if the interested neighbors have been made aware of the type or architectural style of the homes. Mr. Parmer stated he hasn't, but the conceptual idea is small cottage types of homes of less than a thousand square feet with one or two bedrooms, a kitchen and bathroom. Some may have a one-car garage. The flats will be designed for those people that do not want to deal with a single family house anymore. The Foundation would lease the units with a buy-back provision that says the Foundation will buy it back when they are finished with the property. They will then refurbish it and re-lease it. The Foundation then retains control.

Mr. Dowling asked what the Foundation is. Mr. Parmer stated it is a 501C and does not own any other real estate.

Mr. Staub asked about the flats, and why a variance is needed or why the units do not fit into one of the six permitted uses. Mr. Kerschner stated the most literal interpretation is an apartment, and the Foundation wants to be sure all bases are covered. Apartments and condos are permitted in the underlying zone. The request ensures that the Foundation is being forthright and doesn't have to come back again to the Zoning Hearing Board.

Mr. Staub noted that apartments are discussed in Section 320.f.3, and asked if that does not make them a permitted use. Ms. Moran directed the Board to Section 306.B.1, which is the chart showing the permitted uses in the RC and R-2 zones. At the time of submission, the dwelling types were not specified, so the advertisement was made to cover the possibility of the need for relief regarding permitted uses.

Mr. Staub called for comments from the audience.

Ms. Darlene Benner 5913 Shope Place, asked how much traffic there will be and if a traffic study has been done to show how much traffic will be added to Locust Lane. She noted her grandson lives with her and crosses the road to get to DCTS everyday. It can take up to 5 minutes to get across. She noted that seniors do drive. She asked about the sewer system issues, noting the doubling the allowed number of homes. She wanted straight answers, not probably, or something that can change after the variance is granted. She asked about a health facility on-site since it was proposed the last time.

Mr. Staub stated that two stories were mentioned. Ms. Darlene stated that two stories were mentioned, but asked how high they might go. Ms. Moran stated that the maximum height allowed is 40 feet.

Ms. Darlene asked if Mr. Parmer will maintain the land, and the people will just purchase the building on his land. Mr. Parmer answered yes. She asked if the applicant will have first option to buy the house back. Mr. Parmer stated it is not first option, the agreement is that they will buy the home back.

With regard to traffic, Mr. Kerschner stated they used a traffic engineer with the original proposal. They did not redo it for fewer units, even though they are now proposing about half the units. The number of trips per day is less than a traditional single family detached development. The trip distribution is more focused in the middle of the day, not competing with the peak hours (6-8am, 4-6pm). During the land development part of the process, they will do a full traffic study. Mr. Kerschner stated that for the 340 units, 1183 trips were generated, but noted that it was less than 20 trips at the peak time. The specific trip counts will be done at the next stage of the process.

He submitted the letter from Grove Miller Engineering, dated January 10, 2006, as Applicant's Exhibit #2.

With regard to the sewer problems, Mr. Kerschner stated that they are impacted as much as anyone else. The Township has an aging sewer facility, and is working towards fixing that. Traditionally, it is not new construction that is the culprit, it is the older pipes in the older neighborhoods. This development will have to wait in line for sewer permits as any other development would. This Township is certainly working on it, but it is not because of any one development or developer.

Mr. Turner asked about connecting this to other neighborhood streets. Mr. Kerschner stated it is difficult to tell what will be required of them until they get into the land development process. The primary access will be to Locust Lane. They will yield to the Township's wishes on this issue, but cannot commit at this time either way.

Mr. Alfred Schroff, 1441 Haney Drive, stated he does not object to the concept of the plan, but does object to the density. He does not like that it will double the allowed density, and possibly a 15% bonus in density if they adhere to the ADA requirements. His concern is that there is a large subdivision (Shadebrook) which was just granted a bonus of 15% and they will have four commercial lots, which may generate traffic. With Shadebrook and this project, there is a minimum of 1,000 more vehicles on Locust Lane.

Mr. Schroff disagreed with the traffic report that says elderly people don't drive during peak hours. He is 70 years old, and he drives between 7:30 am and the rest of the day. His neighborhood is mostly people over 60, and several of them drive during the morning peak time as well. Mr. Schroff noted that according to PennDOT, there are sections of Locust Lane that the traffic count is actually higher than some stretches of Route 22. That is scary.

Mr. Schroff reminded the Board of the staggering number of homes and streets already on Locust Lane between Prince Street and Nyes Road. All of those streets rely solely on Locust Lane. Peak times and especially when the school is starting or letting out, and anytime during the day, can be a real nightmare. It is only a matter of time until there are traffic lights at each street just so the residents can get out onto Locust Lane.

The road already has too much to handle, and the extra 1,000 cars is just too much. Mr. Schroff noted that he has no objection to the development, but is concerned about the double density, making a bad situation even worse.

Mr. Schroff noted that the Township set the zoning of the land, and there is always someone trying to change it to suit them. The sewer system will still fail even when the water problem is fixed, because it is just overloaded. It was designed back in the early 60's. He agreed that the Township is making headway, but has a long way to go and by the time the I&I problem is fixed, the problem will be the overuse. The more homes added, the bigger the problem will be.

Ms. Beverly Hoover, 5911 Colwyn Drive, stated that the previous proposal included subsidized housing. She asked if that is included in this proposal. Mr. Parmer stated that the Foundation does provide the housing at no profit. Ms. Hoover asked specifically about Section 8 housing. Mr. Parmer stated this will be privately funded. Ms. Hoover asked about parameters, and noted she is concerned about who will live there. Mr. Parmer asked Ms. Hoover to explain what that means to her. Ms. Hoover stated there was something that allowed 20% of the residents there to be low income and have their rent be subsidized. That could bring in an element that could change the neighborhood. Mr. Parmer stated an example of the people he sees in need are widows relying on social security and aren't making it. However they are rated or categorized, they need help. Ms. Hoover stated that is generous. Mr. Parmer stated that the Foundation is trying to help those people. Ms. Hoover asked about guidelines beyond the 55+ rule. Mr. Parmer stated they will go through a screening process, but that has not been established yet. The Foundation wants to provide the best it can and be affordable, especially in this economy, regardless of the color of their skin. Ms. Hoover explained she is only concerned with how people live. She noted that there are a lot of grandparents that have grandchildren that will use or take advantage of the grandparents. She is concerned with the younger generation that will visit the older relatives, bringing with them drugs and other situations.

Ms. Hoover stated she is a 55+ person and is on the road at 7am and between 5-7pm. There are a lot of people in that age category that are still working.

Mr. Parmer stated that the original plan was for 360 units, it is now for 150. If it goes any lower, it will simply not work. The Foundation will provide a vehicle that can take the residents for shopping or appointments or other errands. This will also help the traffic problems.

Mr. Sirb asked if the reason less than 150 homes will not work is because the homes get too expensive for the targeted people. He also asked the price of the detached cottage homes. Mr. Parmer stated he hasn't worked out the pricing yet, but would like to keep it between \$125,000 and \$150,000. He added that if the person doesn't have those kinds of funds, they could lease.

Mr. Sirb asked the prices of the flats. Mr. Parmer stated it would be below market rates. Mr. Kerschner stated that there would be ongoing services that have to be spread over a significant enough base to keep it reasonable. Mr. Sirb asked about the association fees. Mr. Kerschner preferred not to guess at this early stage.

Mr. Parmer stated the real benefit will start to show in the years ahead, 25-40 years down the road.

Mr. Dowling speculated that if the land was developed with the standard large \$250,000 to \$350,000 houses, the traffic would be worse. He noted that other developers have claimed that that type of development will have 2-3 or more cars. Mr. Parmer stated the people he sees, many do not even have cars, and they rely on others.

Ms. Hoover stated she didn't argue the other points, but felt that Locust Lane was not ready for more.

Mr. Sirb stated that this project is needed. Every criterion has been met except representing the minimum variance. He acknowledged that the developer went down from 360 to 150 units, which he felt was a manageable level, but might still be too many in that area. If it were another area, he would be less concerned. He noted there is a difficult balance at work. It would be a positive if it adds this housing type to the area. If the variance is granted and it just adds to the density that is already there, that becomes a negative, and can change the characteristics of the neighborhood, based on traffic alone. He felt that 70 homes at \$400,000 each will have 3-4 kids who will also drive and each home will generate many visitors, the traffic from that housing type would be more than what is proposed by Mr. Parmer. Mr. Sirb felt that the variance request is not the minimum for this area of Locust Lane.

Mr. Dowling stated that the steep slopes affect this parcel. If the slopes didn't exist, this would not be an issue. The slopes are simply there, they are not created. They are not developing all of the land. He felt that was a deciding factor. No matter what is put on this tract, there will be more traffic, and there is no avoiding it. If the application is denied and the Foundation sells the land to some other developer, that subsequent developer may ask for variances, or they can build 2 homes per acre creating 4-5 cars for each homes. Locust Lane is a bad situation, but there is no way to avoid more traffic. Mr. Dowling noted he has lived here his whole life and has seen the area get developed. He also noted that if someone buys a tract of land, they are entitled to develop it. This application represents something that the Township needs. It is helpful that the ownership and control will be with a foundation. If it were a single family development, there is no control over who is there and what goes on. Mr. Dowling stated he does not like to double the density, but the surrounding area is quite comparable to the proposal, it will not change the density of the overall area.

Lower Paxton Township  
Zoning Hearing Board  
January 29, 2009  
Docket # 1254  
Page 10 of 10

Mr. Sirb made a motion to deny the application. The motion failed with a lack of a second.

Mr. Dowling moved to grant the application. Mr. Hansen seconded the motion. Mr. Staub called for discussion on the motion. Mr. Dowling stated this project is something that the Township needs. Mr. Sirb agreed there is no doubt that the Township needs this project, but maybe not at the price of double density. A role call vote followed: Mr. Hansen-Aye; Mr. Sirb-No; Mr. Dowling-Aye; and Mr. Staub-Aye.

The variance was granted.

Respectfully Submitted,

Michelle Hiner  
Recording Secretary