

LOWER PAXTON TOWNSHIP
PLANNING COMMISSION

September 10, 2008

COMMISSIONERS PRESENT

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

ALSO PRESENT

Dianne Moran, Planning & Zoning Officer
Lori Wissler, Planning & Zoning Officer
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 September 10, 2008 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. Beverly made a motion to approve the minutes of the July 21, 2008 workshop meeting. Mr. Grove seconded the motion, and the minutes were approved as submitted.

Mr. Beverly made a motion to approve the minutes of the August 13, 2008 regular meeting. Mr. Grove seconded the motion, and the minutes were approved as submitted. Mr. Neff abstained because he was not in attendance at the August meeting.

NEW BUSINESS

Rezoning Request

Augustus J. Papandrea, Jr. M.D.
4300 Devonshire Road

Ms. Wissler stated that the applicant has proposed an amendment to the Township's Zoning Map for a 0.481-acre parcel located east of Colonial Road and north of Devonshire Road. The applicant proposes to rezone this tract from R-1, Low Density Residential District to BC, Business Campus District. The property is developed as a two-story office building consisting of a professional office and

a medical office. A mailing was sent to the neighboring property owners indicating that the Commission will review the application on September 10, 2008.

Ms. Wissler noted that the property is abutted to the north, south and east by the R-1, Low Density Residential District, and to the west (across Colonial Road) by the BC, Business Campus District. The 2004 Future Land Use Map shows the area to be Low Density Residential.

Dr. Papandrea was present on behalf of the application.

Mr. Neff asked about the application for the day care for this property. Ms. Wissler stated that it went before the Zoning Hearing Board where it was denied. Mr. Neff asked if the office uses in it now are non-conforming uses. Ms. Wissler stated that is correct.

Mr. Lighty asked why the Zoning Hearing Board denied the application. Ms. Moran stated that the Zoning Hearing Board was unsatisfied with the traffic situation in that area, and with the drop-off and pick-up of 60 children at rush hour times.

Mr. Omar Syed, Dauphin County Planning Commission, stated that the request is based on financial hardship as the building has been vacant for 15 months. The property is abutted by R-1. The County does not think the zoning should change to BC because the lot is not large enough in area and because it is separated by Colonial Road from the existing BC zoning.

Dr. Papandrea stated he bought the building over 30 years ago from Dr. Bennett, and the office was grandfathered as a business in the residential zone. A year after he bought it, the Township took 2,000 feet from the parking lot for an easement for the turning lane, reducing the acreage to .48 acres. Anytime he wanted to make an improvement, a variance was required. There is a lot of square footage, 3,500 in the lower level, and 4,000 in the upper level. Because of the easement and the reduced number of parking spaces, there has been a need for variances.

Dr. Papandrea noted that he and some partners had a private practice there for 30 years. With regard to traffic, his practice had an average of 200 cars in and out a day. There was never a major accident, and he had 85 year old patients driving in and out. When he was approached about Stepping Stone, he felt that was a perfect fit because professionals like doctors and lawyers are not looking for that type of space anymore, so he has been unable to sell the building as any sort of professional use. That would be a convenient location for parents. He noted that the Groves (Stepping Stone owner) have been in business for over 20 years and have a location behind Karns, which Mr. Grove told him is worse for getting in and out of, and they have been functioning fine there for many years. Dr. Papandrea noted that the busy-ness of the intersection is no fault of his, but rather the overdevelopment of everything. As far as safety, this is a much better fit than even the practice that was there for so long. Traffic was directed through the parking lot to minimize traffic conflicts, and Mr. Grove had offered to post the entrances/exits as right turn only. That is similar to the strip mall on Colonial Road. Opening the office up as business campus uses, Dr. Papandrea stated he would be more successful in selling or leasing the office. That would also have far less impact on traffic because nothing could be as busy as his medical practice was. He noted he did not understand the rationale presented by the Zoning Hearing Board.

Mr. Newsome asked when the property was acquired. Dr. Papandrea stated he bought it in 1978 or 1979. Mr. Newsome stated the easement was not with the Township. Dr. Papandrea stated it was between the State and Dr. Bennett. Mr. Newsome stated that is the owner prior to Dr. Papandrea so that was part of the property when Dr. Papandrea took ownership.

Mr. Neff stated he drives by the property all the time and asked if there are tenants in the building now because he sees cars in the lot. Dr. Papandrea stated it has been empty for 15 months since he moved out. He also noted that the neighbor parks there sometimes.

Mr. Neff noted some creative planning could offer unique opportunities. He noted he would not support the zoning change. He would, however, support a different approach. The Township may be interested in the property for much needed intersection improvements. He suggested Dr. Papandrea talk with the Supervisors about a land swap. The Township would then find a comparable piece of land in the BC zone that would meet his needs. One such piece is the one behind Lowe's. If the Supervisors are interested, a land swap is tax free. The Township could possibly get small city grants to make improvements. This could benefit the Township and the property owner financially. Mr. Neff noted this is not a common practice around this area, but it is a viable option.

Dr. Papandrea stated he is still paying the mortgage and bills, about \$30,000 a year, to keep an empty building.

Mr. Neff noted the building is old and probably has high energy costs. Dr. Papandrea agreed.

Dr. Papandrea noted that if he were to secure a professional for this location, it will go back to the busier more dangerous volume of traffic like his practice generated.

Mr. Lighty asked how the applicant arrived at the BC zone. Dr. Papandrea stated his primary motivation is to sell to Gary Grove and Stepping Stone because he strongly felt that that would be the best use of the building. He further noted that Mr. Grove is so interested, he has invested \$6,000 into it. The lower level would be ideal for the infant stimulation and education program, which Mr. Grove's wife is interested in starting. The layout of the building, specifically parking, is not sufficient for other office types. There is enough parking for the upper level, but not for the lower level. He had a physical therapy operation and a financial adviser in the lower level, and they operated during hours that specifically did not compete with the hours kept in the upper level. Dr. Papandrea noted that Mr. Grove does not wish to lease to anyone else, he will use the entire building for the day care.

Mr. Lighty asked if the BC zone is the least dense zone that would allow a day care use. Ms. Wissler stated that BC or Office Neighborhood would be the least dense, both of which do allow day care. Mr. Syed cautioned that applying the ON District would be spot zoning. Ms. Wissler agreed.

Mr. Guise stated that the Planning Commission supported the special exception application, but the Zoning Hearing Board denied it. Even though Stepping Stone is the intended buyer, the property would be zoned BC for any owner or future development. Mr. Guise noted the special exception procedure was more appropriate because it could be tied to the specific use. Ms. Wissler noted that

parking would be an issue for most uses in the BC zone. Mr. Papandrea stated the best offer was a Chinese restaurant.

Dr. Papandrea felt the day care was the proper use for the building, and he has a sentimental attachment to the building and would not want to see it go to something less than professional. As a side note, he felt child care should be considered a profession, as they are licensed by the State.

Mr. Neff made a motion to recommend denial of the request. He further recommended that the applicant consult the Board of Supervisors regarding a land swap, if the Township, after further study would find it to be beneficial. Mr. Beverly seconded the motion. Mr. Lighty called for comments on the motion. Mr. Lighty cautioned that there isn't any land to be swapped, and the Township shouldn't get into the business of buying land for the purpose of swapping. Mr. Guise suggested it be considered to see if it may or may not work. Mr. Newsome stated that land swaps are beginning to be more common between municipalities and property owners. A unanimous vote followed.

Rezoning Request
Linglestown Road
35-001-005

Ms. Wissler stated that the Township is proposing an amendment to the Township's Zoning Map for a portion of parcel 35-001-005 located north of Linglestown Road and west of Forest Hills Drive. The area is currently zoned AR, Agricultural Residential District and the proposal is to rezone it to R-1, Low Density Residential District. The AR area consists of approximately 52.29 acres.

Ms. Wissler noted that the Planning Commission previously reviewed an application for a request for three properties located north of Linglestown Road, 35-001-004, 005 and 006, which would have relocated the CO District line further south and the IN District further north, eliminating the AR District. The Dauphin County Planning Commission and the Lower Paxton Township Planning Commission both recommended approval of that proposal, however, it was rejected by the Board of Supervisors.

The subject parcel is abutted to the north by the CO, Conservation District, to the south by the IN, Institutional District, to the east by the R-1, Low Density Residential District and to the west by Susquehanna Township (Conservation District).

Ms. Wissler noted that the R-1 zoning would be a continuation of the current zoning in Forest Hills, so there is no issue with spot zoning. She also noted that the 2004 Comprehensive Plan's Future Land Use Map shows the area to be Rural Residential.

The subject parcel is located north of the Sportsmen's Golf Course and is currently vacant. A mailing was sent to neighboring property owners indicating the Planning Commission would review the application on September 10, 2008.

Mr. Neff asked why the Supervisors rejected the rezoning for the three parcels. Ms. Wissler stated there was much opposition from the surrounding neighbors. During the public hearing, there was

discussion of the possibility of changing this parcel to R-1, and staff met with the Supervisors, who directed staff to prepare the rezoning of the AR parcel to R-1.

Mr. Gingrich asked about the proposed use of this land. Ms. Wissler stated Mr. Mahoney's attorney gave testimony stating that they would develop the IN section, and extend Continental Drive.

Mr. Neff asked the number of lots that could be created on that parcel under the AR zone. Ms. Wissler stated that the AR zone allows lots to be a minimum of 1.5 acres. Mr. Guise calculated 34 lots, not considering environmental constraints, which reduce that number. Ms. Wissler stated that the R-1 zone allows about 2 per acre, so about 100 lots before considering environmental constraints.

Mr. Gingrich asked if the R-1 zoning designation would satisfy those that objected at the public hearing. Ms. Wissler stated that is the suggestion that was made at the Supervisors meeting, and it appeared so, but she noted she cannot speak for the neighbors.

Mr. Guise asked about the AR area to the south. Ms. Wissler stated that is the Blue Ridge Country Club. Sportsmen's is in the IN zone.

Mr. Neff noted that the current zoning ordinance includes language for TDR, where you can move homes from one tract of land to another, while maintaining the zoning of the land, with the agreement of the Planning Commission and the Board of Supervisors. It is a common practice in other areas. Mr. Neff suggested obtaining a yield plan for the AR section, and leave it zoned AR, but locate those homes in the IN zone. This is a unique and well proven technique, where the AR zone is not built upon and is donated to the Township indirectly through an IRS.501.C.3. This gives the owner the tax deduction and the opportunity to locate those homes in the other portion of the development. Mr. Neff offered to assist the Township attorney with this endeavor.

Mr. Lighty called for public comment.

Sam Cooper, 4078 Rosewall Court, stated he opposes the proposal. He and neighbors went through a long series of discussions with the Township and Union Deposit Corporation. He expressed the surprise of the neighbors that the Township is the applicant and not the property owners, when this will benefit the property owner. The general character of the neighborhood is lots of one acre or more and the houses are in the half-a-million dollar range. The Comprehensive Plan called for this area to be less dense development. The previously proposed plan to increase the IN zone was not in keeping with the Comprehensive Plan. The fact that the area changed to IN several years ago was also not in keeping with the Comprehensive Plan. The neighbors were relatively unaware and relatively un-notified of it, as they were with the previously proposed change. The neighbors had a tentative agreement with the Township that it would work with the neighbors to have them weigh in on what is being proposed and that has not occurred. Once again, the neighbors have a serious concern with what the zoning change could allow. He urged the Planning Commission to not allow what is being proposed.

Richard Pleasants, 2348 Timber Line Court, echoed Mr. Cooper's comments. He reiterated that they have tried to participate and communicate with the developer. He noted it is confusing why the Township is asking for the zoning change and not the developer. He stated the neighbors were out of

the loop when the area was changed to IN with the overall zoning map change. Even after it changed, the neighbors didn't understand what IN was, they thought it was the same as the IN in the neighborhood which is the common areas and the ball fields. They have learned, at the last minute, prior to the Supervisors voting, that Institutional District takes the density 3-4-fold what was originally allowed there. Mr. Pleasants felt they were flying blind with no conceptual plan and they have not been consulted by the developer. He felt it was premature to move forward with rezoning anything further. The Comprehensive Plan changed the area to IN, and they still do not understand the ramifications of it. They have organized the neighborhood and gotten a list of complete addresses and have reserved space at the library and are starting the process over again. They would like to have the neighbors notified, and he offered to do that themselves to try to meet with the developer and try to understand the intent of the entire property. The neighborhood is counting on the small group of neighbors to lead the efforts and it is a difficult process to get started with nothing other than the public notice that was received. He also urged the Commission to not move forward until the neighborhood can evaluate things further with the neighborhood.

Dan Natirboff 2332 Forest Hills Drive, stated he agreed with the comments from the other neighbors. He thought that the neighbors were going to meet with the developer. He also thought things were not to progress at this speed literally in the dead of the night. He felt he has been done a disservice by not being aware of the situation. He was disappointed that something so important would be decided without further discussion of the needs and concerns of the neighborhood.

Ms. Wissler clarified that a Residential Retirement use is not a permitted use in the R-1 zone, but an age-restricted development is, which allows only the same density as the R-1 zone.

Mr. Newsome asked if the surrounding neighbors were notified. Ms. Wissler stated they were.

Mr. Guise disagreed with the dead of the night comment, and noted that the neighbors did have discussion at previous meetings. He agreed more time may be needed for the neighbors to have further discussions. He was unaware if the property owner is even in favor of the rezoning of their property.

Mr. Guise made a motion to table the plan, to allow for the property owner and the neighboring residents an opportunity to meet. Mr. Newsome seconded the motion.

Mr. Guise urged the neighbors to set up a meeting and if the developer chooses not to participate, that will be so noted in the future.

Mr. Lighty asked if the neighborhood could get that done in a month. Mr. Pleasants stated they have no idea what the intent of the use of the land is at this point.

Mr. Lighty stated the rezoning application is only about the zoning, it is not allowed to be tied to a particular plan. It is generally beneficial for a developer to show a concept plan, but it cannot be held to it, and they don't have to do it.

Mr. Cooper stated they don't know where this is headed or what their rationale is.

Mr. Guise suggested that some things have been overstated. This area of land was discussed at several meetings of the Township and the Board of Supervisors discussed alternatives with the residents that attended their meeting. He also noted that there is a rational basis for zoning land R-1 when the land next to it is already R-1. The Comprehensive Plan calls for this land to be residential, and the rezoning asks for it to be residential so it is not in conflict. He did not feel the Supervisors were acting improperly by pursuing the change.

Mr. Pleasants stated that the land that abuts the AR zone was developed under the old P-1 zone.

Mr. Guise stated there were numerous public meetings for the Comprehensive Plan, and he noted that the meetings for that particular area were very poorly attended. That process was long and quite involved.

Another resident noted that the discussion being held only upholds the AR zoning of the property. Mr. Guise didn't dispute that it may be appropriate as AR, but agreed that additional discussions should be held.

Mr. Guise noted that a motion to table doesn't technically provide an opportunity for debate of the motion. A unanimous voice vote followed to table action on the rezoning request.

Zoning Ordinance Text Amendment
Article 3, Commercial Uses
Article 4, Additional Requirements for a Car Wash

Ms. Wissler stated that the Township has received a proposed text amendment to the Zoning Ordinance regarding Article 3, Districts, Section 306.B.2, Allowed Uses in Primarily Business Zoning Districts. The request is to allow a car wash as a permitted by right use in the CN, Neighborhood Commercial District. Currently, a car wash is not permitted in the CN District.

The applicant also proposes to amend Article 4, Additional Requirements for Specific Uses, Section 402.A.14, Additional Requirements for Specific Principal Uses, Car Wash. The request is as follows:

1. To reduce the minimum lot area in the CN District to ½ acre; currently five acres is required which can be reduced to one acre if the applicant proves that most of the water used in the operation will be recycled on-site.
2. To require a car wash that is located in the CN District to have a street-facing façade(s) display at least 50% masonry, stone or other decorative finish.

John DiSanto and Mark Coakley from Triple Crown Corporation, Mark Tyndale and Rick Martzolf were present on behalf of the application.

Mr. Neff asked about the Sheetz carwash. Ms. Wissler stated that the carwash is also in the CN zone, but it was developed under the old ordinance.

Mr. DiSanto distributed an aerial picture of the corridor along North Mountain Road, identifying the uses of the properties fronting North Mountain Road. The proposed carwash is the old gas station between the new First Marysville Bank and the ReMax building. This shows the character of the neighborhood. The County Planning Commission didn't feel it fit in the CN District, however, on the east side of Mountain Road, 6 of the 19 properties are residential, so 13 are non-residential. On the west side, 8 of the 22 properties that front Mountain Road are private residences. It is a neighborhood, hence the CN designation.

Mr. DiSanto stated that this property was a gas station, which has been not used in seven years and has been an eyesore for as long. Another gas station could go there as a permitted by right use. This proposal would benefit the community.

This lot is very small, and there is no ability to build a building on that site and meet the requirements such as parking. That site is best used as a transient site without a need for parking for customers and employees.

Mr. DiSanto presented a picture of the site as it is today, showing the high grass and weeds, and the tank removal being done.

He presented a picture of the proposed carwash and how it fits into the community. The depiction uses an image of the carwash off Union Deposit Road. Mr. DiSanto stated that the ease and automation of the existing one is surprising. There is very little disruption as might be associated with a carwash.

Mr. DiSanto noted the characteristics of the neighborhood and the condition of the property. The request is based on the feeling that it should be a permitted use in that area. The reduction of area is based on updated information. The ordinance currently references 5 acres as a minimum and a reduction if the water is recycled. Virtually all carwashes these days use reclamation. Preliminary research did not turn up any basis for the large lot size. Reclamation of water is at about 95%. The operation is very neat and clean, unlike the old version with the wands and such.

The area is undergoing major changes for Linglestown and this would compliment the entire corridor.

Mr. Newsome noted the general presentation has been focused on this particular property. The zoning question is if it would be appropriate for everywhere that is zoned CN, Neighborhood Commercial District. There is a vast difference between this one property and every property zoned CN. Mr. DiSanto didn't disagree, but noted that traffic is always a major issue for everything. Traffic is a sensitive issue in a zone such as CN because it incorporates residential uses and commercial uses. He noted that a carwash development does not generate traffic; it simply serves the traffic already there. Mr. DiSanto stated that this is appropriate for all CN properties, not just this one.

Mr. Guise asked if it might be more appropriate as a special exception or conditional use rather than a permitted by right use in the CN zone. Those would go through a site specific approval process.

This site might be fine, but there may be sites in the CN zone that it is not fine. Mr. DiSanto didn't think this use would be inappropriate in the CN zone.

Mr. Neff agreed there is a need in many locations for a carwash. He asked if any other sites were considered that may have been more consistent with the ordinance. Mr. DiSanto stated his business develops real estate, they do residential, commercial, demolition, construction work. They consider work as it presents itself. He stated he passes this site several times a day and it has personally bothered him for years. They are exploring this site, and this use seems to be a good use there. They have looked at this site and cannot come up with something viable there. They have not approached this as a way to locate a carwash, but rather as an opportunity to do something with this site.

Mr. Neff stated that the long term intention of the large lot size is to drive evolution of the small lots into consolidation. That provides for improvements such as better setbacks and better aesthetics and landscaping. It also reduces the number of curb cuts in a busy district. From a planning standpoint, those are desirable things.

Mr. Neff noted that the closest full service car wash is Triangle on Walnut Street. Mr. DiSanto stated this is not proposed to be a full service. The Sheetz facility is fine, but not a high end unmanned carwash. This will be.

Mr. DiSanto stated they made the recommendations for the façade to make it palatable for the community. He further noted that the compelling reason is that that ground has been an eyesore in the community. The Township has issued several violations to try to get something done there, and Mr. DiSanto stated he felt they came up with a unique way to put that lot back into service, and benefit everyone.

Mr. Newsome asked if the applicant has acquired the property. Mr. DiSanto stated they have it under contract, so they are the equitable owner. Mr. Neff asked if the contract is subject to the rezoning. Mr. DiSanto stated it is subject to some other things, but not the rezoning.

Mr. Lighty asked if there are environmental issues on the site. Mr. DiSanto stated there are some minor issues, that are being addressed, such as removal of the tanks, and there is some soil waiting to be removed by a certified hauler. It has monitoring wells on it, and a DEP closure report will be obtained. There will not be any lingering issues.

Mr. Lighty stated he does not know the appropriate size or lot area for a carwash, and asked why 0.5 acres is appropriate. Mr. Mark Tyndale, Carwash Systems, stated they build carwashes in four different states and they make the carwash appropriate to the lot. This was designed to be a bump down of the one on Union Deposit Road. Mr. Lighty stated he used the one on Union Deposit Road and the turns in there are beyond the capabilities of his car, meaning the turns are too tight. Mr. Tyndale stated that lot is 2.2 acres, and has a larger carwash on it. It was designed for that size lot. Mr. Tyndale stated there is no ideal lot size. He noted they have put carwashes on lots of this size very comfortably. They originally looked at it to see if it meets the requirement of 6 cars at each bay, and they figure they can get two auto bays and two self serve bays. There is no ideal lot size for a carwash, it can be built to whatever size the lot is.

Mr. Guise asked if 0.5 acre in the CN zone with reclamation, then why shouldn't it be that way for any zone. Mr. Tyndale agreed, and noted that whether there is reclamation or not, it is a closed system so the water on site has nothing to do with pervious surfaces or anything like that. In the 1950's and 60's, the water used to go down to the creek and wells were used more. Mr. Guise felt that since it is a neighborhood district there should be additional requirements for the look and feel to make it look less industrial. He noted that the change should be for all districts not just CN, and the 0.5 acre in all districts if they recycle the water. Mr. Tyndale stated that most townships do not give an option regarding reclamation, it is mandatory. Mr. Guise stated CN should not have a smaller lot size than the other districts where it may be an allowed use.

Mr. Neff asked if the carwash could meet all other ordinance requirements, should the text amendment pass. Mr. Tyndale stated he believes they can. They are well under the impervious allowed. Mr. DiSanto stated they did not see any issues. Mr. Neff asked what waivers would be needed for this plan. Mr. DiSanto stated they did a preliminary look, and didn't see any waivers that would be needed.

With regard to the façade, Mr. Lighty questioned the "other decorative finish". He felt that was overly broad. Mr. DiSanto stated they use masonry trim product that looks Romanesque and didn't want to limit themselves to a point they cannot use those types of products. Mr. Lighty stated he is familiar with Triple Crown Corporation, but someone else may think a string of Christmas lights is a decorative finish. He felt the language is too vague. Mr. DiSanto agreed he can work on the language. Different areas call for different finishes, like wood, or some want stone and not wood, some may want colonial or southwest, but they want the wording to not limit those selections.

Mr. Neff asked why this wasn't pursued through the Zoning Hearing Board. Mr. Newsome stated there is something that is fundamentally wrong when the Township considers adding a use to a zone because the use is not permitted, rather than changing the zone so that the use would be permitted. If the zoning is incorrect that is the issue to be addressed. The ordinance should not be tampered with. The use may be appropriate but this approach is not right. A variance may be more appropriate. Changing the ordinance impacts too many other things. This area is very close to the General Commercial zone, and maybe that is a more appropriate zone for this area too. Mr. Newsome added that other avenues could have been pursued and still accomplished the same thing.

Mr. Rick Martzolf stated this concept was taken to the Board of Supervisors in workshop session, and it was their recommendation that the text amendment be pursued. If he pursued a use variance, that is something that should go to a public hearing and be heard by the legislative body not a quasi-judicial body. The text amendment approach keeps this in front of the legislative body. Mr. Newsome stated that a rezoning to CG would keep it with the legislative body, and that may be the appropriate thing to do.

Mr. Newsome thanked the applicant for the presentation and noted it gives an image of an area that has the wrong kind of zoning. While this may be the easiest way to get what the applicant wants there, it isn't the right way.

Mr. Omar Syed, Dauphin County Planning Commission, stated that the purpose of the CN zone is to provide a lighter type of commercial uses that will be compatible with nearby homes. It does not appear as though a carwash is a compatible use. A gas station is also not a permitted use in the CN. The County does not recommend the text amendment be approved.

There was no public comment.

Mr. Guise made a motion to recommend approval of the text amendment proposed by Triple Crown Corporation, with the following three changes:

1. Paragraph I, make it a Special Exception in the CN District, instead of permitted by right.
2. Paragraph II.14.f(1), remove the words "In a district other than CN, Neighborhood Commercial District" and change the one acre to one-half acre, if the applicant can prove that most of the water used in the operation will be recycled on-site.
3. Paragraph II.14.f(2) be deleted.
4. Paragraph II.14.g, the words "or other decorative finish" be amended with a better wording to reflect the intent to be aesthetically pleasing and compatible to the neighborhood.

Mr. Gingrich seconded the motion. A roll call vote followed: Mr. Grove-Aye; Mr. Neff-No; Mr. Beverly-Aye; Mr. Newsome-No; Mr. Guise-Aye; Mr. Gingrich-Aye; and Mr. Lighty-Aye. The motion carried with a 5-2 vote.

Final Subdivision Plan #08-15
Autumn Oaks, Phase 1

Ms. Moran stated that the McNaughton Company has submitted a plan for Phase 1 of the Autumn Oaks plan. Phase 1 consists of 79 units/lots and one residual tract. Phase 1 will contain 16 single family, 16 duplexes, 24 townhouses and 23 villa townhouses.

The McNaughton Company owns 313.47 acres of land off of Patton Road; 133.387 acres are located in the R-C, Residential Cluster District, 177.49 acres are R-1, Low Density Residential District, and a 2.55 acre portion of the tract is zoned CO, Conservation District. The Residential Cluster development is Autumn Oaks. The overall plan contains a 203-unit residential cluster development, 6 fee-simple open space lots, and the residual lot. The cluster development will consist of 92 single family lots, 40 duplex units, 47 villa units and 24 townhouse units. The property will be served by public sewer and public water.

The Board of Supervisors granted approval of the Preliminary Subdivision Plan for Autumn Oaks on August 5, 2008. Thirteen waivers were granted with the preliminary plan approval:

1. Waiver of the minimum street intersection separation requirement. [1117.08(m)]
2. Waiver of the requirement to provide curbing and widening of Parkway West. [1117.08(L)]
3. Waiver of the requirement to provide vertical curb. Slant curb is proposed. [176.9.B]
4. Waiver of the requirement to provide Type "C" inlet grates in streets. [1116.08(m)(8)]

5. Waiver of the requirement to provide low flow channel and basin underdrain in basins. [1117.08(L)]
6. Waiver of the requirement that driveways shall be located not less than ten feet from a catch basin, drain inlet, or fire hydrant. [1117.12(B)]
7. Waiver of the requirement that there be a maximum of twenty dwelling units on a cul-de-sac. [1117.04(a)]
8. Waiver to allow the placement of islands within a cul-de-sac turnaround. [1117.04(b)]
9. Waiver of the street cartway widths. [1117.05]
10. Waiver of the street horizontal curve requirement. [1117.06(2)]
11. Waiver of the requirement regarding the sidewalk location. [905]
12. Waiver of the paved turnaround requirement. [1117.04(b)]
13. Waiver of the requirement to reduce the street vertical curve sight distance requirement.

Ms. Moran presented a memo regarding snow removal concerns, which was generated as a result of a meeting between Joel McNaughton and Sam Robbins, Director of Public Works. Islands in the cul-de-sac and places to dump snow were the two items discussed in this memo.

Tim Mellott, Mellott Engineering, and Joel McNaughton, McNaughton Company, were present on behalf of the plan.

Mr. Lighty questioned the stamped concrete in the center islands. Ms. Moran stated that is the wish of the Public Works Department, in order to better serve their snow removal efforts. Mr. Lighty stated that the islands were requested and intended for beautification. The Planning Commission spent quite some time on this issue. If it is going to be nothing more than concrete, there is no point. They were to be planted or have trees or some form of vegetation. Ms. Moran stated that Public Works reviewed the plan and their comments were included in the Commissioners' packet. That prompted Mr. Robbins to meet with Mr. McNaughton. Mr. McNaughton is accommodating the wishes of Public Works. Mr. Lighty appreciated the developer accommodating the Public Works Department, however, he disagrees with it.

Mr. Neff stated he agreed with Mr. Lighty. He noted that he saw the portion of the Board of Supervisors meeting Tuesday night, and he was disappointed that the staff didn't communicate the Commission's recommendations after the amount of time spent by the Planning Commission discussing this issue. There was a long discussion with Mr. Hornung and others as though the Planning Commission had never discussed it.

Mr. Neff asked if the homeowners association will maintain the cul-de-sacs. Mr. Mellott answered yes. Mr. Neff compared the number of plowable snowfalls to the year-round benefit of the planted island.

Mr. Lighty asked if there are any substantial changes from the preliminary plan. Ms. Moran answered no.

Mr. McNaughton stated they want to do something decorative in the islands. He does recall the lengthy discussions with the Commission about the islands where they settled on the planted or

landscaped islands within the cul-de-sacs. The plan, as submitted, does include the planted islands. There is some discrepancy in the notes, but the islands proposed on the plan are shown as the landscaped islands.

Mr. Lighty asked if there is a design for landscaped islands that will still address the concerns of the Public Works Department. Mr. Mellott stated they will provide easements for placing snow wherever they feel is appropriate and where available.

Mr. Mellott stressed that the landscaped islands have mountable curbs, they do not have an 8-inch vertical curb.

Mr. McNaughton stated they have no problem marking the cul-de-sacs as no parking.

Mr. Syed stated the County does like the green in the cul-de-sacs and recommended easements for snow dumping.

Mr. Syed asked about traffic control signage. Mr. Mellott stated the Police Department dictates where the signage goes.

Mr. Syed noted the sidewalks are only on one side of the street, so they stop halfway through the cul-de-sac.

There was no public comment offered.

Mr. Newsome made a motion to recommend approval of the plan, subject to the islands in all of the cul-de-sacs shall contain mountable curbs with landscaping including soil and planting, and subject to the developer working with the Township Public Works Department to establish snow easements. Mr. Guise suggested adding that the developers consider sidewalks on both sides of the streets in townhouse areas, even though they are not required. Mr. Newsome amended his motion to include Mr. Guise's addition. Mr. Grove seconded the motion and a unanimous vote followed.

Mr. Newsome stated that he appreciates the way this plan has evolved and he appreciates the rapport with the developer being able to work with the Township to work through a number of issues.

Mr. Neff recommended that staff prepare a letter for the Chairman's signature to the Board of Supervisors giving the background of the evolution of the planted cul-de-sacs to formally communicate the Planning Commission's wishes to the Board of Supervisors. Mr. Lighty suggested the Planning Commission could discuss that at the workshop meeting. Ms. Wissler stated that the October 14th Supervisor workshop meeting is tentatively scheduled for a joint meeting with the Planning Commission to continue working on the SALDO and to discuss the business improvement districts.

Public Comment

There was no further public comment.

Commissioner & Staff Comment

Mr. Lighty reminded the Commissioners to submit the items he needs for the improvement district presentation.

Mr. Newsome stated he attended the Greenway Committee meeting tonight. For significant development plans, the Greenway Committee would like to be able to review preliminary plans so they have the opportunity to implement or incorporate the Greenway Plan.

Mr. Newsome stated that there are several recommending bodies that deal with development issues, such as the Planning Commission, the Greenway Committee, the Linglestown Committee, the Parks and Recreation Board, and they have no opportunity to communicate as they should. That results in the groups becoming adversarial with each other. He suggested the Supervisors consider some sort of meeting or dinner so they can get to know each other. That may help sensitize the groups to one another. Mr. Newsome stated he was disturbed by decisions that had been made without the involvement of the Planning Commission that may have been more appropriately the Planning Commission's decision, or at least have some input.

Mr. Neff suggested that any residential development plan of 25 homes or more be required to bring a concept plan to the Planning Commission. The Greenway Committee could also consider the plan at that time. A concept plan takes much less engineering, and could be changed or adapted to meet the wishes of the Township easier. A concept review does not have a fee associated with it and the Township has a better chance of getting things accomplished.

Adjournment

The next regular Planning Commission meeting is scheduled for October 8, 2008, at 7:00 pm at the Lower Paxton Township Municipal Center, Room 171.

Being no further business, the meeting adjourned 9:01 pm.

Respectfully Submitted,

Michelle Hiner
Recording Secretary