

MINUTES

**BOARD OF COMMISSIONERS
and PLANNING COMMISSION**

LOWER ALLEN TOWNSHIP

SPECIAL MEETING

January 3, 2007

The following were in ATTENDANCE:

BOARD OF COMMISSIONERS

Lloyd W. Bucher
Peddrick M. Young, Sr.
Dan Christ

TOWNSHIP PERSONNEL

Thomas Vernau, Jr., Township Manager
Jan Faust, Assistant Township Manager
Nancy Dietel, Finance Director
Daniel Flint, Township Engineer
John Eby, Planning and Zoning Coordinator
Steven P. Miner, Solicitor
Michelle Chestnut, Township Secretary

Vice-President BUCHER called the Special Meeting of the Board of Commissioners of Lower Allen Township to order at 7:00 p.m. and announced Proof of Publication was available for review.

Commissioners TITZEL and BLACK were absent with excuse.

There were no members of the Planning Commission present.

DISCUSSION RE: Subdivision and Land Development Ordinance (SALDO) Update and the Growing Greener Process, with Charlie Schmehl from Urban Research and Development Corporation

Charlie Schmehl from the Urban Research and Development Corporation presented to speak to the Board of Commissioners regarding the SALDO Update and the Growing Greener Process.

Mr. Schmehl stated their main charge was to prepare a subdivision ordinance for the township, and also provide assistance to staff regarding zoning divisions currently underway. Therefore, he would be discussion zoning issues tonight, with particular emphasis on things that are more in line with the county's initiative on promoting the Growing Greener by Conservation design ideas, which is oriented toward making sure that development occurs in a way that has a minimal environmental impact and a maximum natural feature and scenic benefit to the community. This would be accomplished mainly through a system of incentives and dis-incentives that are modeled after some of the work that was done by the Natural Lands Trust. The goal of tonight's meeting is to get consensus on some of the big ideas so they can then work on the text of the ordinance.

Mr. Schmehl stated the R-2 District is the most important, as it has most of the undeveloped land and most of the natural features that remain in the township. They recommend beginning with an average of one home per acre if there is on-lot well and septic, and there is another option where they can do open space development with permanent preservation of open space; the density would stay the same at one home per acre. There must be central water and sewer and there can be a mix of housing types. For example, there could be half-acre single family lots with 35% open space. This option is by right, but they usually recommend there be some density bonus for the open space.

Mr. Flint stated the township's current ordinance allows for single lot sizes down to 7500 square feet; how can there be a higher density than that?

Mr. Schmehl stated there does not have to be a smaller lot size, but there can be a higher open space. The goal is to get the open space percentages as high as reasonable and still have people choose to do the development. Realistically, Mr. Schmehl stated they cannot go smaller than 7500 square feet in R-1, and there is not a lot of land left in R-1. Mr. Schmehl was mainly referring to R-2; what they would do is increase the lot sizes per development without the open space, but try to push people into the open space option through incentives.

Mr. Christ asked what the area of the Liberty Forge Golf Course is zoned as.

Mr. Flint stated it is currently zoned as R-2.

Mr. Eby stated between the road and the creek it is zoned as R-1.

Commissioner Bucher asked about the ownership of any open space that is created.

Mr. Schmehl stated usually the developer gets to choose from a menu of choices regarding how it is owned and maintained, as long as they prove to the township that it is viable; the default is a homeowners association. The open space becomes a permanent conservation easement, which is enforceable. There is a limited range of commercial uses for this property, such as tree farms or horse farms. State laws would ensure the property owners pay their homeowners association fees, and provide for municipal liens on the properties if the fee is not paid. If the open space is privately owned, the landowner is responsible to maintain the land.

Mr. Schmehl stated in the R-2 district, they think it would be valuable to vary the density based upon the natural features of the land, so that the steeply sloped land, the floodplains, and the wetlands are considered when the township calculates density. Otherwise, the township will end up in a situation where it is possible to put a very high density on a portion of land that is buildable, and then just counting the floodplain, wetland and steep slope as open space, which doesn't achieve anything useful, as the land that wasn't buildable anyway is counted as open space and the developer gets a much tighter density on the good land. For all types of R-2 development, they would suggest that the density be varied based upon the features of the land. This could be done, for example, by saying the floodplain and wetlands only count as half an acre of land toward the open space requirements. Mr. Schmehl stated this type of calculation has been upheld in Commonwealth Court.

Commissioner Bucher asked what the problem was with counting the natural features as a whole acre instead of a half acre when determining density.

Mr. Schmehl stated the developer would squeeze many more homes on the land than they otherwise would be able to, because they'd be allowed smaller lots under the open space option than they otherwise would be allowed to put in. They would take land they would not be able to build on anyway and count it as open space, and they would get twice the density on the land they could build on, resulting in open space land that although has intrinsic value, the residents wouldn't be able to put in any recreational amenities. The idea is that there must be some significant public benefit before the developer would be allowed to create smaller lots.

The R-1 district is a higher density district with a clustering option.

Mr. Schmehl discussed the R-3 District. This includes a lot of the land along Gettysburg Road north of Route 15. The Comprehensive Plan promotes it as a neighborhood mixed use area. Current zoning doesn't allow any commercial use larger than 3,000 square feet, which doesn't allow for a commercial use like a CVS or Rite-Aid.

General discussion ensued.

R-4 would be the higher density district, which is mainly Bethany Village. The Comp Plan did propose an additional area of R-4 just to the east of Bethany Village. That allows up to 15 homes per acre and 75-foot heights.

The next question would be whether the township wishes to have some density bonus for age-restricted housing. Many townships are already doing this, as it has a positive financial benefit upon the school district and the community. The Fair Housing Act sets standards for establishing an age-restricted development, which will avoid legal problems in setting up this type of development.

Discussion ensued.

Mr. Schmehl stated that currently, mobile home or manufactured home parks are allowed in the R-3 District at ten homes per acre, which is an excessive density; the township is only required to allow around 4 homes per acre. Therefore, they are suggesting a lower density for these areas.

Mr. Miner stated he thought the goal was to prevent sprawl; if density is increased, it seems to promote sprawl.

Mr. Schmehl stated it is in each township's best interest to have lower density, but it is in the region's interest to have higher density. Somewhere there must be a happy medium, and suggested the open space option as that happy medium, as it controls the overall number of houses that are allowed, but puts them in an economically developable way so there is not excessive costs for roads, sewer lines, curbs, sidewalks, etc. Each unit has more modest improvement costs, because the lot sizes and setbacks are shrinking. The open space provides a

balance that avoids excessive costs per unit, but does not involve huge amounts of new residents coming in and overloading the road and school systems.

Mr. Flint stated there are parts of the township where there is development that should be looked at re-development to get the maximum capacity for construction that is already there. The preservation concept could be used in the parts of the township that have not yet been developed.

Mr. Schmehl agreed. To encourage re-development, density bonuses can be given that would make the re-development worthwhile to the developer.

Mr. Schmehl discussed Lisburn Village. He suggested there may be some standards put in place that would require any new houses to be built similar to what currently exists in that area, which could also include architectural standards.

Mr. Schmehl discussed Natural Features Provisions. The township currently has a good series of natural features provisions, such as limits on percentage of steep slopes that can be graded and developed and limits on woodland removal.

Mr. Schmehl stated the township currently has provisions dealing with limiting the removal of different types of woodland. One thing he would like to see emphasized in the subdivision ordinance is some standards for how trees have to be preserved during construction to prevent root compaction and trunk damage. Regulations regarding tree preservation should be placed in the zoning ordinances to prevent a developer from clear cutting an area before submitting a subdivision plan.

Discussion ensued.

Mr. Schmehl stated landscaping has been identified by staff as a big issue for the township. There are currently a set of landscaping provisions, such as requiring landscaping for parking lots. Mr. Schmehl suggested the township's current street tree provisions are insufficient.

Mr. Schmehl discussed Traditional Neighborhood Development, which provides for mixed uses with walk-able communities. The Planning Code gives the township the authority to promote a brand new development that recreates the best features of old development, along with the authority to have in-fill development in an older area that will fit in with what is currently in place. The main way to do this is to give a density bonus if the developer meets certain standards.

Extensive discussion ensued regarding Traditional Neighborhood Development.

Mr. Schmehl suggested the township update the street standards. For example, the township only requires a 26-foot wide street for an apartment development, which they think is too narrow. At the same time, they think the street widths are too wide for a short cul-de-sac; the bulb part of the cul-de-sac needs to remain large enough to accommodate emergency vehicles, which might include the placement of a snow easement, but the street-part of the cul-de-sac does not have to be as wide.

Currently, township ordinance states the only way to get a modification or waiver to a subdivision ordinance standard is to prove hardship. Mr. Schmehl suggested township ordinance should allow a modification or waiver to the subdivision ordinance for common-sense reasons; if someone can prove that an alternative is going to serve the purpose better, the commissioners should have the ability to grant the waiver or modification. This also gives the township room for negotiation and trade-offs, and still allows the township to have the final say.

Mr. Schmehl suggested the township take a look at how much recreation land and/or fees are required for dedication. The township could require more land than currently asked for, which is 700 square feet per housing unit; many communities are requiring 1100 square feet per housing unit.

Mr. Schmehl suggested separate standards for a smaller subdivision so that it is easier to go through the process and get approval for a couple of lots or for a small commercial building. Additionally, Commissioner Black had asked previously that they add separate standards for land developments versus subdivisions.

Mr. Schmehl discussed preliminary versus final plans; he suggested that if more detail be required at the preliminary plan stage, there is not a lot of room for negotiation, as the developer would not want to waste their money by re-engineering the project. Although sketch plans cannot be required, the township should treat them seriously when they are submitted.

Mr. Flint asked how the township would put this concept into ordinance so the applicant would agree not to construct new construction before final approval is granted.

Mr. Schmehl stated the township would have a provision in the code saying, "The following items are deferred from preliminary to final planning stage if the developer gives the township a written commitment that they won't do any construction or improvements until after the final plan is submitted and approved."

Mr. Flint suggested the township adjust their fee schedule so that there is only one higher fee for both the preliminary and final plans, so in essence the township would not penalize those developers who submit a preliminary plan.

Mr. Schmehl stated they do not believe that the current off-site improvement provisions in the township's current ordinance are enforceable. These things can be negotiated, but not required.

Mr. Schmehl stated they've been asked by the township to provide standards for trails. In the lower density areas, they like to promote bituminous pathways which seem to work better.

Mr. Schmehl stated they were also asked to provide more standards regarding detention basins and landscaping around basins.

Discussion ensued regarding detention basin maintenance.

Mr. Schmehl stated the township should consider whether or not to do Transfer of Development Rights as an optional type of development. This is the idea that there are certain places in the

township that should be preserved, while there are other places in which the township may be willing to accept a little higher density, and they would give an option where the developer would pay a landowner in an outlying piece of land to preserve their property, in return for transferring the homes that would have been allowed in that outlying piece of property to a more suitable development site. The intent is that the township would not increase the total number of homes that are being built in the township, but are moving development from where they don't want it to where they do want it, greatly minimizing the amount of land consumed by each house. This system can help to permanently preserve land, with the property owner being compensated at no cost to the tax payer, along with allowances for higher densities in the more suitable areas. Everything would be tied to a development approval, so there are no transfers happening outside the township meeting room. At the same time that someone would get a development approval, an easement would be placed on the other property that is to be held for open space, which greatly simplifies the record-keeping.

Mr. Schmehl stated the township has the option to use the zoning ordinance to control demolition of scattered historic buildings, without establishing a specific historic district. Mr. Schmehl stated the township can have incentives that if someone preserves and rehabilitates one of the historic buildings, they might be allowed extra uses such as a bed and breakfast or a real estate office.

Mr. Schmehl will start working on the text of the subdivision ordinance with staff, and will come back to the Board of Commissioners and Planning Commission for questions of policy.

ADJOURN

The Special Meeting of the Board of Commissioners adjourned at 8:46 p.m.