

MINUTES

PLANNING COMMISSION

LOWER ALLEN TOWNSHIP

REGULAR MEETING

February 19, 2008

The following were in ATTENDANCE:

PLANNING COMMISISON

Brett McCreary
Geir Magnusson
Richard Jones
Donald Dentler

TOWNSHIP PERSONNEL

Dan Flint, Community Development
John Eby, Twp Planning and Zoning Coordinator
Peddrick M. Young, Sr., Liaison
Jim Bennett, Cumberland County Planning Comm.
Trudy Metzel, Recording Secretary

Mr. McCreary called to order the February 19, 2008 meeting of the Lower Allen Township Planning Commission.

Dr. Dyszel was absent with excuse.

APPROVAL OF MINUTES

Approval of Minutes from December 18, 2007 Regular Meeting

Mr. Magnusson moved to approve the Minutes from the December 18, 2007 Regular Meeting as submitted. Mr. Jones seconded the motion. Motion carried 4-0.

Approval of Minutes from January 15, 2008 Regular Meeting

Mr. Magnusson moved to approve the Minutes from the January 15, 2008 Regular Meeting as submitted. Mr. Jones seconded the motion. Motion carried 4-0.

OLD BUSINESS

Zoning Hearing Board Docket #2008-01, Application Requesting Special Exception to Change an Existing Non-Conforming Commercial Use to Another Non-Conforming Commercial Use of the Property at 145 South Locust Street

Steve Quigley, H. Edward Black & Associates identified himself to the Board and represented Bill Grace, owner of the property at 145 South Locust Street.

Mr. Quigley advised that he is appearing before the Planning Commission at the request of the Zoning Hearing Board. The ZHB requested the Applicant revisit with the Planning Commission. Mr. Quigley requested the Planning Commission recommend for approval the change in the non-conforming use on the site at 145 South Locust Street. At last month's Planning Commission meeting, extensive discussion took place regarding the plan. Mr. Quigley advised that he would be answer any questions the Board might have.

Board Comments

Mr. Jones stated that an issue that needs to be addressed is providing to Zoning Hearing Board a more succinct indication of the planning requirements.

Mr. Jones asked for clarification that the facilities currently on the site are non-conforming. Mr. Quigley responded in the affirmative. Mr. Jones asked for clarification that what is being proposed is a special exception to still provide facilities that continue to be considered non-conforming facilities. Mr. Quigley responded in the affirmative.

Mr. Magnusson commented that the Ordinance states that it can be done if it is basically the same type of business. Mr. Quigley responded in the affirmative, it was basically the same non-conforming use.

Mr. Magnusson read Section 221.77(b)5 and stated that he does not feel the proposed plan is substantially the same use as the past used. Mr. Quigley stated that is the reason for the Special Exemption request. It is felt that it is substantially the same, with a different building type.

Mr. Quigley made the following comments:

1. The florist is retail in nature with customers continually entering the site. With the proposed business storage, there would be no retail resulting in no regular customers. This will lessen the amount of traffic coming to the site on a daily basis. Mr. Quigley stated that he would review the traffic information from traffic planning design if the Board so wished.
2. There is some warehousing on both non-conforming uses. While flowers are not growing on the site and it is an architectural concern, greenhouses are warehouses for growing plants until the plants are of size to be sold. Other parts stored growing medium, fertilizers, tools, etc.
3. The new business storage is mostly warehousing as a major part of the site. The individual spaces will have very small offices (200-250 sq. ft).

4. There is less area on the proposed site by several thousand square feet of building than with the florist and greenhouses.
5. Employees for both the old and the new. Employees coming daily for work at the retail facility and the greenhouse facility. With proposed site, it is expected for there to be some employees, but the history at Mr. Grace's other two facilities show that with contractor storage or business storage employees are intermittent and pick up items then leave.
6. There will be some delivery trucks. The florist had delivery trucks.
7. From the standpoint of the Township, neither the florist nor the proposed use has pressure on the schools, on recreation or employees.
8. Both have multi-users. When Mr. Grace bought the property, there was not only a florist in place, but there was hearthscape contractor, ski and snow repair business, painting contractor, and a home improvement contractor.
9. In terms of the architectural character of the site, the applicant hopes he is making an improvement. The entire site is being turned inward and pulled away from the street creating a park atmosphere at the edge of the site. Parking has been taken off the street and put inside. The entire area will be enclosed by buffering and landscaping around the perimeter.

The Applicant feels where things are the same, the proposed plan matches well and where it is the different, improvements have been made.

Mr. Magnusson compared a cornfield to a greenhouse in the warehouse aspect. Mr. Quigley stated that the only difference is that a cornfield is not a building.

Mr. Jones stated that he realized that this site was probably considered a non-conformity due to the facilities that were there when zoning was established, but the purpose of non-conformity is to eliminate it as much as possible. If circumstance exist that would change a non-conforming area to a conforming area, it is more desirable to change it to a conforming area. Mr. Jones further stated that everyone has the right to request a Special Exception to their property. However, one of the conditions of the Special Exception Application that must be addressed is the fact that the Applicant can not injure or detract from the use of the neighboring properties and the character of the neighborhood. This property is in the proximity of an elementary school and a residential district. Another item to take into account is the fact that it is in the proximity of an adjacent community which is also residential in nature. From a planning standpoint, this particular issue should be addressed.

Mr. Quigley advised the Board that the design would be masonry on the lower portion of the building, vertical siding on the rest of the building and a metal roof of a color. Dormers are being put on each bay so there is some change in the roof line and also permitting some light into the building.

Mr. Jones asked for confirmation that there absolutely will not be any retail at this facility. Mr. Quigley advised that Mr. Grace made that comment under oath at the Zoning Hearing Board. Mr. Grace does not want retail uses in the facility. He does not want that type of traffic.

The existing Stephenson's store will be removed as well as the parking that is in front on the street. With this project, the Applicant's intent is to add a park-like atmosphere to the streetscape along Locust Street between the school and the residences.

Mr. Magnusson asked for clarification that at the last meeting it was stated the ultimate use would be residential with room for eighteen (18) single family houses. Mr. Quigley confirmed that by Code, there is room for eighteen (18) single family houses. There would be more traffic with single family homes than with the proposed use.

Cumberland County Planning Commission

Mr. Bennett advised that the County would not have comments until after the Zoning Hearing Board makes its decision.

Audience Participation

Mr. McCreary asked if there was anyone in the audience who wished to speak on the issue. He advised that each person would be limited to the amount of time allotted.

Rick Fry, 222 Walnut Circle, Shiremanstown identified himself to the Board. Mr. Fry lives across the street from Stephenson's greenhouse. All vehicles going in and out (employee, retail business, delivery vans, etc.) only involved about the first 250-feet of the property. Everything beyond that were greenhouses. A lot of people on Chestnut Street lived across from an open field. The only thing that went by the first 250-feet, (where the elementary school begins), were a couple of pick-up trucks and a stake-body truck that were used to deliver dirt, plants, etc. between the greenhouses and from the greenhouses to the retail facility. Regardless of what the traffic count said, the only part that was involved was the first 250-feet off Locust Street. Mr. Fry further stated that one thing that was brought-up at the Zoning Hearing Board is the potential of 28-foot trucks coming in and using these 5,000-square-foot units, of which there are fifteen (15). Those trucks could be diesel, they will have backup alarms and diesel fumes while loading and unloading. All fifteen (15) units could require 28-foot trucks to pick-up and/or deliver materials. Mr. Fry expressed his opinion that there is no comparison between the previous non-conforming use and the proposed non-conforming use. Mr. Fry stated that he does not have a problem with a non-conforming use; however, he would like to see it stay along the lines of the definition of a non-conformity. While what is being proposed is an improvement over what is there now, he did not feel that the proposed warehouses are an improvement over the greenhouses. Mr. Dentler inquired if there currently is perimeter lighting or was there perimeter lighting when the greenhouses were in operation. Mr. Fry responded that there is no lighting and the only lighting when the greenhouses were in operation was lighting in the greenhouses, normally around holidays. Mr. Fry thanked the Board for allowing him the time to speak.

Randy Brown identified himself to the Board. Mr. Brown stated that eighteen (18) family dwellings could make nice starter homes for people with children with an elementary school next door and an intermediate school a block or two away. Mr. Brown further stated that the warehouses may not be the most awful thing that could be built. He questioned does the Township really want to put a commercial development in a residential area when there is an opportunity to put family dwellings next to an elementary school. Especially when there are proposals before the Township to put a dense residential development in some of the more rural areas of the Township. Mr. Brown asked what prevents this site from being turned into residential homes in an area where it would be a dramatic improvement over what is there now, and why can't this same commercial development be put in a commercial neighborhood. Why create a situation that might start the degradation of this residential neighborhood when the alternative is so simple.

Mr. McCreary asked Mr. Quigley if he had spoken with Shiremanstown's Mayor since the last Planning Commission meeting. Mr. Quigley advised that he had spoken with him and the agreement reached was the Applicant move forward, but before moving forward with land development approval Mr. Quigley would meet with the Mayor and Council and review the plans with them. Mr. Quigley further advised that at the Zoning Hearing Board the Mayor expressed his concern regarding stormwater management. Mr. Quigley stated that there should be no concern because the site is at 50% runoff. The site must retain 50% or more water on this site than is currently leaving the site. There was also a concern about muggers. Mr. Quigley advised that there is a 30-foot front setback buffer on Chestnut Street. At the Zoning Hearing Board meeting the owner agreed to a full evergreen screen as opposed to ornamental trees and a mix. Concern was expressed regarding traffic. One of the things the Applicant is doing is eliminating the fifteenth (15th) building at the top and putting in an emergency egress only out onto 41st Street. This would be a gated, locked egress that would probably have a notched-box for emergency purposes only.

Mr. Dentler inquired if there will be perimeter lighting. Mr. Quigley advised that no perimeter lighting is planned other than any that the Township would require. Lighting would all be internal and full cut-off fixtures as required by the Township. Currently, there is one fixture per door (total of 14). With full cut-off fixtures over the doors, the glare cannot be seen from off the site. Mr. Quigley stated that all requirements must be met regarding dust, light, noise, etc. for the Special Exception. With Land Development, there are other site requirements per Section 15.

Mr. Quigley clarified that the statement made at the Zoning Hearing Board was that the maximum truck would be 28-foot, which is a regular moving van size. Most people coming into Mr. Grace's existing units are by van or car but there is an occasional truck.

Mr. Quigley advised that he could not address the traffic and how it worked around Stephenson's when it was in full operation. Regarding hazardous materials or such material getting into the stormwater, these issues are part of the zoning and whenever anyone fits-out one of these units they are going to have a building permit, and note what those materials are if they are going to be stored at the unit. All Codes will have to be met.

Mr. Eby explained that the Board has been requested to render an advisory opinion. He advised the Board that if the members felt comfortable deliberating and reaching a decision at this meeting, Mr. Eby would record it Thursday at the Zoning Hearing Board. Should the Board need more time to deliberate, the Applicant has granted a waiver and the Board could defer the decision. This Thursday, the Zoning Hearing Board would continue the matter for an additional month.

In response to Mr. Jones' comments, Mr. Eby stated that the Pennsylvania Municipality Planning Code does not provide for amortization of a non-conforming use, which is why the Ordinance allows for the perpetuation of a non-conforming use. The Zoning Hearing Board must use the criteria of "substantially the same character" in its determination and the Planning Commission's assignment is based on Section 220-223.D.12 which is the special exception criteria where the matter is referred to the Planning Commission for advisory comment. The Planning Commission is to report to the Zoning Hearing Board on the location of the proposed use in relation to the needs and growth patterns of the Township. If there are questions as to whether or not this facility is needed or how it's related to any needs of the Township, those questions should be addressed at tonight's meeting. In the Planning Commission's opinion, accuracy of the site area, arrangement of the buildings, driveways, parking areas, off-street loading and unloading, and other pertinent features of the proposal are to be considered. While it is not relative to the Planning Commission's decision or the Zoning Hearing Board's decision, Mr. Eby advised the Board that he was informed by Shiremanstown's Borough President that they took action at their February 11, 2008 meeting to unanimously oppose the project.

Mr. Magnusson asked if the various aspects of the proposed plan would only be if it is substantially the same, because if it is not, there is no reason to discuss any details. Mr. Eby responded that it would a basis for the Planning Commission's determination. Mr. Eby stated that he was merely focusing on what the report is supposed to contain.

Mr. Magnusson asked for clarification regarding amortization. Mr. Eby stated that the Municipality Planning Code does not make provision that with the passage of time a non-conforming use has to become less non-conforming. The Township's ordinance permits an existing non-conforming building to be enlarged, it permits an existing non-conforming use to be enlarged, and it permits an existing non-conforming use to be changed to another non-conforming use as long as the criteria is met.

Mr. Jones asked Mr. Eby if removing all existing structures and building new structures, does the ordinance indicate if it to be considered an enlargement or an increase. Mr. Eby responded in the negative. Mr. Eby further responded that this is not the basis of the application. It is merely a request stating that there was a non-conforming commercial use on the property for many years and now the current owner wishes to change the type of non-conforming commercial use. Mr. Jones inquired if once all the facilities have been removed and it is back to the land, is the land still non-conforming. Mr. Eby responded that the non-conformance is the most current use. The non-conforming use has not been abandoned.

Since the Planning Commission's previous response to the Zoning Hearing Board was not acceptable, what does the Planning Commission specifically need to tell the Zoning Hearing

Board. Mr. Eby responded that it is the applicable section of 220-223.D.12. Step One is that the Planning Commission reports back to the Zoning Hearing Board as to whether the Planning Commission feels the location of this proposed use is proper in relationship to the needs and growth patterns of the Township. Step Two is the specific information presented regarding the proposed site design adequate. Is the area adequate to support the buildings, is the arrangement of buildings, driveways, parking, loading and other features adequate to facilitate the use.

Mr. Magnusson asked if it was substantially the same, would the Planning Commission then pass a judgment on access, egress, etc. Mr. Eby responded that if the Planning Commission feels the proposed use not substantially the same character, then that would give the Planning Commission reason to either not address the adequacy of the site and the features or indicate that the Planning Commission's opinion would not be relative because the Commission's primary opinion is that it is not the same character. Mr. Eby further responded that the Zoning Hearing Board is charged with determining whether or not it is the same or similar character and the Planning Commission has a narrowly defined charge if they wish to interject the Zoning Hearing Board's prerequisite into the Commission's recommendation it can do so. The two bodies are charged with two different determinations.

Bob Schell, 1000 Brookward Drive, Mechanicsburg identified himself to the Board. Mr. Schell is not only concerned with residents directly across from this site, but if there is someone who is storing kitchen cabinets, it is possible that he would have his crew/s meet at the warehouse. It becomes his office away from home and may not just be storage until the cabinets are needed.

Mr. Quigley stated that Mr. Grace's current facilities are used for additional storage. There is limited parking and there are stipulations in Mr. Grace's leases not permitting outside overnight parking.

Mr. Magnusson stated that nothing changes the fact that the proposed plan is not substantially the same business that non-conforming use should be eliminated in the Township whenever possible.

Mr. Magnusson moved to recommend to the Zoning Hearing Board that the Special Exception requested for the Stephenson's property be denied for the fact that is not substantially the same business and not allowed under Township code. Mr. Dentler seconded the motion. Motion carried 3-0-1, Mr. McCreary abstaining due to a possible conflict of interest.

Zoning Ordinance Amendment #2007-02, the Application of LFGC, Inc. Proposing a Conservation Park Overlay Zoning District

Mr. Flint advised the Board that during the summer of 2007 there was an application for a Zoning Ordinance Amendment submitted by Liberty Forge Golf Course, Inc. (LFGC) A public hearing was held in August of 2007. The public hearing was continued and remains continued. In the meantime, LFGC has somewhat changed their proposal. The most current proposed Zoning Ordinance Amendment was before the Board of Commissioners at their last meeting and the Board approved sending this Ordinance onto the Township and County Planning Commissions for review and recommendation. A public hearing has not yet been scheduled.

The Board of Commissioners wants the feedback and comments from the planning agencies first. It was placed on the agenda for the Planning Commissions March meeting for discussion.

Mr. Flint introduced Dennis Glackin, Planner, and Mark Kaplan, Land Use Attorney, to the Board.

Mr. Kaplan advised the Board that following the public hearing in August, he was asked to review what had been proposed and to work with Chuck Soleski and Boney Daewood to try to refine the proposal that had been made. Over the past four or five months, a lot has been done to improve not only the quality of the ordinance but also to give the Township a substantial additional amount of valuable information.

Mr. Kaplan further advised the Board that the effect of the ordinance was reviewed from both the planning and a fiscal impact point of view. Mr. Glackin's office prepared a Fiscal Impact Study to compare the fiscal impact on the Township of either the existing type of development that is currently permitted under the R2 as opposed to the type of development proposed by LFGC.

Following discussions with Staff, Mr. Kaplan and Mr. Glackin were asked to participate in two sessions with a Citizens Panel, charged by the Board of Commissioners to look at what was being proposed on an R2-wide basis and to offer comments to what LFGC proposed. The Citizens Panel comments regarding density, certain types of uses and height were taken into consideration. As a result, LFGC responded with an ordinance that was changed. Nursing homes have been eliminated; density has been reduced – all in response to the comments of the Citizens Panel.

Mr. Kaplan deferred to Mr. Glackin.

Mr. Glackin, Land Use Planner introduced himself to the Commission. Mr. Glackin became involved with this project in the fall of 2007.

Some of the specific changes to the ordinance are:

1. Density has been reduced from 8 units per acre to 6 units per acre for each qualified development.
2. Nursing home uses have been eliminated.
3. Additional setback around the perimeter of the tract.
4. Height of the buildings has been reduced to a maximum of 75-feet from 100-feet with a 60-foot average.

The most recent change was partially a result of an item on the Board's agenda later in the meeting, and that was slightly changing the format that made this an overlay district in R-2 and is being called a Conservation Park Overlay.

Mr. Glackin stated that the existing ordinance has been in place for a number of years and does not include a requirement for open space. The current ordinance contains an open space provision at 220.129 that was enacted approximately 12 years ago. Mr. Glackin saw several problems. There was no change in density resulting in little incentive to preserve open space. The proposed amendment changes the density to 5-6 units per acre; which is an incentive to preserve open space. The minimum of 35% open space was kept; however, achievable incentives were included to reach 50%. If 50% open space is reached, 55% of that open space would be active recreation land. In the case of Liberty Forge, it would be the golf course. Higher buildings (60 to 75-feet) are being proposed, which is the only way to obtain the maximum amount of open space. This is applicable for sites 75 acres or larger. All the preserved open space would be no burden to the Township. Land could be dedicated to the Township if the Township so requests. Liberty Forge is the only golf course in the community and Mr. Glackin felt that most people would want to see it kept in some fashion. Having an open space ordinance, such as the one proposed, would help the Township preserve other environmental features, i.e. woods, streams, natural beauty of the area.

Mr. Glackin stated that the Liberty Forge site has about 75% open space. Most parking is underground. The buildings have been designed to blend into the topography. Golf is retained and there is a small retail/commercial area proposed on the other side of Lisburn Road. The other major benefit is that public water would be brought to the area. Public water is several miles away. Bringing public water to this portion of the Township is a huge benefit.

In conclusion, Mr. Glackin stated that this proposal represents smart growth, preserves open space more so than the existing ordinance, retains the golf course as an amenity in the Township and brings public water to the area.

Regarding the Board of Commissioners last meeting, Commissioner Black asked eighteen (18) very specific questions that he wants the Planning Commission to address in its consideration of the proposed amendment. The Applicant has supplied information addressing those specific questions.

Mr. Magnusson inquired if the concept changes could be compiled into a tabular form or spreadsheet form for easier comparison. Mr. Kaplan responded that a comparison sheet would be assembled.

Mr. Jones inquired as to the Applicant's definition of open space. Mr. Glackin responded that the existing definition is not being changed. Mr. Jones responded that Section 4 of the proposed ordinance indicates that certain things such as multi-family dwellings, multi-purpose facilities, clubhouse, community center, etc. could be considered open space. If facilities are going to be built, how does it become open space. Mr. Glackin responded that provision of facilities could be from a tennis court to a community center. He further responded that many ordinances allow those types of facilities to be counted as open space. Reading from the proposed ordinance, Mr. Jones asked if administrative and sales offices, libraries, banquet hall, restaurants, fitness centers, health spas, swimming pools, tennis courts, places of worship are all considered open space. Mr. Jones stated that he interprets it to mean that it's so-called open space area where facilities could

be built. The Township's ordinance specifies exactly what constitutes open space. An area where structures are built, takes away the open space. Extensive discussion ensued.

Mr. Magnusson stated that the Planning Commission has a month to study the proposed ordinance and asked if there would be anyone available to answer any questions. Mr. Kaplan responded that Mr. Glackin would be glad to answer any questions they can.

Mr. McCreary thanked the Mr. Kaplan and Mr. Glackin for making their presentation brief, considering the complexities of the proposed ordinance.

Mr. McCreary advised that he would allow comments from the audience but there would be a 5 minute time restriction for each person. Mr. McCreary further advised that this not public hearing.

Joel Centre, 1438 Raven Hill Road, Mechanicsburg identified himself to the Board. Mr. Centre stated on August 27 the Applicant wanted a maximum building height of 75-feet and asked the current requested maximum building height. Mr. Glackin responded that the maximum is 75-feet with an average of 60-feet. Mr. Centre stated that there is no change in the maximum height. Mr. Centre then asked about the building density on August 27. Mr. Centre maintained that there are no changes. The Applicant wants the same building height as in the summer, the identical building density regardless of what the buildings are called. Mr. Centre stated that it is unusual to hear that sprawl is defined as single-family homes on one acre. Mr. Centre expressed his opinion that nothing has changed since the summer.

Janie Gunn, 3800 Lisburn Road identified herself to the Board and referred to the discussion regarding what would be permitted in a Conservation Overlay District proposed by Liberty Forge. Reading from the proposed amendment: a minimum of 66% of the required open space must be for active developed recreation land and/or buildings including:

1. golf course
2. driving range
3. miniature golf
4. indoor and outdoor tennis courts
5. indoor and outdoor swimming pools
6. river and lake fishing
7. river boating
8. fitness centers
9. spas
10. basketball courts
11. ball fields
12. cards, craft and art facilities
13. paved walking and bike trails
14. gardens
15. resident service centers
16. community centers
17. pro shop for a golf course

18. restaurant and dining facilities

along with necessary and appropriate accessory buildings in areas essential and necessary to house, store and support the aforementioned activities, facilities and amenities. The balance of open space land may be left in a passive state for the retention of existing environmental and natural features entitlement to a stated maximum density as conditioned upon a minimum of eight (8) diverse facilities as listed above or compared or similar to the list above as part of the active developed recreation, lands and programs.

Ms. Gunn asked how dining facilities, pro shops and resident services benefit the residents of Lower Allen Township with respect to open space. She also questioned if those amenities are “for fee”, i.e., if the swimming pools and/or the golf course charge a fee how do they benefit the residents of Lower Allen Township as common open space.

Ms. Gunn referred to the comment regarding the build-out that in five (5), ten (10) or more years every part of R2 will be in one acre(1) lots if nothing is done. There are many different ways the R2 district can build out other than one house per acre.

Ms. Gunn stated that she attended a Fairview Township Board of Supervisors meeting several weeks ago and learned about Fairview Township’s cluster development ordinance. The part of Fairview Township that borders Lower Allen Township’s R2 is zoned at one (1) house per acre. The cluster development option permits an additional half a dwelling unit per acre if there is public water and another additional one-half dwelling per acre if there is public sewer, for a maximum of two. There is a 144-acre property referred to as the Weaver Property, at the corner of Forge Road and Sheepford Road, that is going to be developed; the plans have already been approved by the Fairview Township Board of Supervisors to put in a cluster development with approximately 166 houses, well less than 200 houses on 144-acres. Fairview Township also has a plan in front of them for a piece of property that is also taking advantage of their open space development option. It can work with reasonable density; it does not need to be high density or medium density in order to work in rural areas. Ms. Gunn thanked the Board for its time.

Bob Schell, 1000 Brookwood Drive, Mechanicsburg, identified himself to the Board. Mr. Schell stated that commercial space is commercial space. To call it open space is something entirely different. A pay-to-play golf course is a commercial business, not open space. It is not an act of generosity to the Township to have to build parking facilities underground. In Mr. Schell’s view, the density would be disregarding the existing ordinance eight times per acre. The economy has been in such a downturn for the last several years; 2005 to 2006 up 297% foreclosures in Pennsylvania alone. Economists point to an over-inventory of housing. To disregard that times eight to experience a legacy is absurd for the rest of the community. It creates a condition of overcrowding that takes away from the desirability of the community. Mr. Schell expressed his opinion that he hopes it never comes to pass as it is an awful plan. Mr. Schell thanked the Board for its time.

Jonathan Vipond, 3728 Lisburn Road identified himself to the Board. Mr. Vipond agreed with Mr. Kaplan’s point that this is not just about Liberty Forge. This is an ordinance for the entire Township. The challenge to the Planning Commission is to look at the future of the Township

and determine how the proposed ordinance and this plan will affect the economy of the Township and the lives of the residents. Mr. Vipond asked the Planning Commission to do its job carefully, think about what smart growth really is, and try to divorce itself from this particular project and look at the ordinance very, very carefully. Does the Township want this kind of density. Mr. Vipond thanked the Board for its time.

Linda Centre, 1438 Raven Hill Road, Mechanicsburg identified herself to the Board. Ms. Centre commented that if this project would go through, there would be so many problems. There would be so many variances that whatever they start out with is not going to be what they end up with. Once building begins and they run into a problem, no one is going to tell them that building is going to have to come to a stop. The Township will have to make an exception to overcome that burden. Knowing the facility as she does, it is going to be one thing after another. If John Williams wants to leave a legacy to the Township, tell him to run for Governor.

Keith Kolanda, 1605 Lisburn Place, Mechanicsburg identified himself to the Board. Mr. Kolanda stated that one thing that needs to be considered is the total number of units that are currently proposed for Liberty Forge. Mr. Glackin responded that the plan indicates 582 units. If this plan would go forward for the rest of the tract, he requested the Planning Commission consider the number of people compared to the number as it is now written; 582 versus 82. As far as planning, it is something that needs to be considered. Mr. Kolanda thanked the Board for its time.

Mr. McCreary advised that at next month's Planning Commission meeting there will be additional discussion.

NEW BUSINESS

Zoning Ordinance Amendment #2008-01, the Application of Vertical Properties, LP to Amend Section 220-87 of the Zoning Ordinance to Permit a Certain Percentage of Business Office Use Non-Related to the Primary Use

Mr. Eby advised the Board that this application was submitted as a text amendment to the Zoning Ordinance on December 31, 2007. It went before the Board of Commissioners on January 7, 2008 at which time Staff was directed to submit to the planning agencies for initial comment. This is not to the point of having an established public hearing date nor has the Solicitor been authorized to actually prepare and advertise the ordinance.

Mr. Eby further advised that the text amendment is simply changing the requirement that a current permitted use in the General Industrial District at 220-87 Permitted Uses (I) Business Office Accessory to a Principle Use. The office must be accessory to a principle industrial use. The Applicant's proposal is to allow a percentage of the permitted office space to be leased out. An industrial user could build an office building with more space than initially needed, lease it out until the industrial user grows into the space.

Staff's only comment thus far is that instead of allowing 60% as proposed that the allowable leasable space be subordinate to the amount of space the industrial user is having as accessory to its principle use. Staff's position is 49% percent instead of 50% so 51% would be used as the industrial user of the property.

Mr. Eby reminded the Planning Commission that this is an assignment of the Board of Commissioners to the Staff, Planning Commission and the County to develop initial comment to obtain an exchange and feedback with the Applicant and then come back with a final draft so the Board can then consider scheduling a public hearing and have the Solicitor write the ordinance.

Steve Quigley, H. Edward Black & Associates identified himself to the Board. Mr. Quigley advised the Board that Vertical Properties owns the rest of the Hart Farm on Slate Hill Road. What the Applicant is looking to do is bring their entire yard and office together. Currently Vertical Properties is a corporate citizen of the Township but their yards are not even in the township. They would like to bring everything together on this piece of property. One of the things the Applicant would like to do is be able to construct a building that is bigger than currently needed. It is more economical to it that way and hopefully lease out part of it until they grow into it. Presently they are growing between 5-10% per year; and they see that growth continuing into the future. Leases would be set so that within a year to two years they will grow into the space.

Mr. Magnusson inquired if the Applicant would be willing to put a time limit on the time leases so it does not become an eternal lease. Mr. Quigley responded that he is not certain the Applicant could do that because of the economy. There is no way for the Applicant to know when the space would be needed. Leases would probably be written to allow the Applicant to begin its planning. Where the Applicant is currently located on Gettysburg Road they have approximately 15,000 square-feet. If they moved into a new building tomorrow they would immediately need 18,000 – 20,000 square-feet. A 20,000 square-foot building is not a large building. It is always cheaper to build today than in the future.

Mr. Eby stated that an opposite point of view is if in the future the owners business downsized, it would allow them to lease out space that would otherwise have to legally sit vacant.

Mr. Jones asked Mr. Eby if this is applicable only to the I1 District. Mr. Eby confirmed that it is correct. Mr. Jones inquired if such a building was constructed and a portion was leased out, is it possible that the person who leased that facility could conduct business that is not permissible in an I1 District. Mr. Eby responded that the space would have to be leased for a use as a business office. The only caveat is that the business office doesn't have to be associated with the industry on the site. It must be a business office. Mr. Jones stated that he is referring to the type of business. Mr. Eby stated that currently business offices are not permitted unless they are accessory to the industry. That is what this amendment would change. Retail would not be permitted. Extensive discussion ensued.

Mr. Jones moved to recommend that Zoning Ordinance Amendment #2008-01 be approve with regard to the language change (60%) provided it is reviewed with consideration of the other

needs of the proposed leasing business, such as parking, etc. Mr. Dentler seconded the motion. Motion carried 4-0.

OTHER BUSINESS

Orchard Glen Plan

Mr. Flint advised the Board that the Orchard Glen Plan will be on March's agenda.

Revised Zoning Ordinance

Mr. Flint advised the Board that the updated Zoning Ordinance has been worked on for the past year and a half. A complete draft is close to being ready for review and hopefully scheduled for a public hearing in the next month or so.

There are two completely new concepts that are not currently in the Ordinance: (1) Draft – Conservation Subdivision (CS) Overlay District and (2) Draft – Traditional Neighborhood Development (TND) Overlay District.

Mr. Flint advised the Board that these Ordinances were drafted without regard to any specific things that have been taken place. These two items were specifically mentioned in the Comprehensive Plan Update.

Conservation Subdivision Overlay District: The intent covers a number of the reasons and the general goals to be achieved in this district. In general it is to preserve open space. It is an overlay zone so it does not have its own physical district. In the R1 and R2, this would be allowed as an overlay. The existing provisions in those districts would still remain. This overlay zone would provide an alternative method of development. Some of the alternatives permitted provide incentive to use this type of development so there is more open space preserved as opposed to using the standard development that is still in the ordinance. Some of the minimum requirements: as small a tract of 5-acres; placing homes within certain walking distance of common open space; infrastructure requirements; public water is not required but sewer is for a community sewer service; infrastructure requirements for the type of road/s that can service the development; as well as townhouses and side-by-side twins being added. There still is the recreation requirement per residential unit so there will either be public recreation land dedication which would be the preferred alternative as to the fee-in-lieu. In addition, there is common open space required that may or may not be dedicated depending on the development. More dwelling units per acre than in the standard underlying zone district are allowed. Lot area and width requirement are in some cases less than currently allowed in the current ordinance. Overall impervious coverage is actually lower than currently permitted in the R1 district. There are specific requirements for yards for each type of development. There are limitations on the number of townhouses and attached units. The way this district is proposed it will be applicable to only R1 and R2. Discussion ensued.

Mr. Jones inquired if this would supersede or be in addition to with regard to the discussion earlier this evening. Mr. Flint advised that it will be dependent on timing, depending where the Township is with its ordinance update versus where they may be with their application.

Traditional Neighborhood Development (TND) Overlay District: Mr. Flint explained that this a bit more complicated as it is not strictly residential development. It is incorporating almost a complete small town where there is a commercial component, a core neighborhood, and a mixture of commercial and residential in the same building in some cases. The applicability would be also in the R1 and R2 districts. Minimum requirement is 20-acres due to the commercial and residential components. If it is larger than 50-acres, a core neighborhood must be identified. Criteria is set as to what can and must be in a core neighborhood. Walking distance requirement between residential units and common open space and also residential units and commercial components. There are restrictions on how much of the development should be part of the core neighborhood. The infrastructure requirements are a little more important as this is going to be a larger, more intense development than a Conservation Subdivision. It does need to be located on a high category of road. If there are road deficiencies between the development and the major highways, those deficiencies must be corrected before the development can be constructed. The Conservation Subdivision is a by-right use in those districts as an overlay. The Traditional Neighborhood development is a conditional use, requiring a public hearing. Each one will be unique. There is a requirement for an overall master plan as part of the conditional use in sketch plan in format. There are percentages on how those spaces would develop so housing and commercial are developed together. There is also a requirement for architectural standards and guidelines to be applied throughout the development. NAICS standards are used as permitted uses. Discussion ensued.

ADJOURN

The Regular Meeting of the Planning Commission adjourned at 10:25 p.m.