

**MINUTES**

**PLANNING COMMISSION**

**LOWER ALLEN TOWNSHIP**

**REGULAR MEETING**

**July 17, 2007**

**The following were in ATTENDANCE:**

**PLANNING COMMISSION**

**TOWNSHIP PERSONNEL**

Brett McCreary  
Geir Magnusson  
Richard Jones  
Donald Dentler

Daniel Flint, Engineer and Community  
Development Director  
Peddrick Young, Liaison, Board of  
Commissioners  
Brian Dickson, Cumberland County  
Planning Commission  
Danna S. Lutes, Township Secretary

Mr. McCreary called to order the July 17, 2007 meeting of the Lower Allen Township Planning Commission at 7:30 pm.

Dr. Jean Dyszel was absent with excuse.

**APPROVAL OF MINUTES**

**Approval of June 16, 2007 Regular Meeting Minutes**

Mr. Dentler moved to approve the Minutes of the June 19, 2007 Regular Meeting as corrected. Mr. Magnusson seconded the motion. Motion carried 4-0.

**OLD BUSINESS**

There was no old business before the Board.

**NEW BUSINESS**

**Conditional use #2007-01 - High Properties - 4925 Ritter Road - Freestanding Eating Establishment - Marzoni's**

Bob Walker, representing Marzoni's restaurant, identified himself to the Board.

Mr. Walker advised that a Conditional Use Application was filed earlier in the month with the Township. Mr. Walker reminded the Board that earlier in the Summer they went through the process with the Township to amend the Zoning Ordinance to allow freestanding eating establishments in the C-3 Business Park District under a Conditional Use. Recommendations

were received of Zoning Ordinance changes and Marzoni's went before the Board of Commissioners and were successful in having the Board of Commissioners grant the ordinance changes. The application presented to the Planning Commission is a result of those changes.

#### Staff Comments

Mr. Flint advised the Board that since the Conditional Use is new to the Ordinance there is a Public Hearing scheduled for August 27, 2007 during the Board of Commissioners meeting. Any recommendations that the Planning Commission makes will be entered into the record at the Public Hearing.

Mr. Flint advised that the applicant did submit a supplement with the Conditional Use application that went step-by-step through the points that are in the Proposed Conditional Use section of the Ordinance and they adequately addressed all the points and requirements of the Conditional Use section.

#### County Comments

County did not have any additional comments.

#### Board Comments

Mr. Jones recalled that specific information was requested with regard to how it would actually comply with the zoning area and that it would be applicable for that site only. Mr. Flint replied that the staff report addressed those issues point by point. Mr. Jones recalled that in reviewing what was submitted it covered the situations very well. Mr. Flint agreed that the applicants adequately addressed all the items requested.

Mr. Jones also commented on the issue of the Public Hearing on August 27th and that the plan can not be acted on until the Conditional Use is approved. Mr. Flint agreed that the plan cannot be acted on until the Conditional Use is approved. Mr. Jones said that he did not have any problems with the Conditional Use application.

Mr. Jones made a motion to recommend that the Conditional Use Application be moved forward for review and consideration by legal staff and Board of Commissioners. Mr. Dentler seconded the motion. Motion carried 4-0.

**SLD #2007-05 - Final Subdivision & Land Development Plan for Marzoni's Restaurant**  
Craig Campbell, Hoss's Steak and Seafood House Corporation, Marzoni's sister corporation, identified himself to the Board.

Ann Anderson, CEDG, identified herself to the Board.

Ms. Anderson proceeded to give a presentation on the proposal for consideration. CEDG prepared the land development plan for Marzoni's restaurant in Rossmoyne Business Center. The existing site is undeveloped. The site is located on Ritter Road across from Isaacs and the Hampton Inn and east of the Homewood Suites. A subdivision plan was approved in 2001 which created three lots. Two lots remain undeveloped but were approved for a 6,000 square foot restaurant on a 2 acre lot and an office building on a 5 acre lot. The zoning requirements

changed after the plan was approved. In 2006 the plan expired and was not reapproved. The site is located in a C-3 business center.

The proposed development includes a re-subdivision of the 2 lots. The restaurant lot will be increased to 2.3 acres and the other lot decreased by the same amount. The new restaurant is 9,000 sq. ft. instead of 6,000 sq. ft. originally approved for the site. The site is served by both public sewer and water and will utilize existing storm water facilities. There are 107 parking spaces proposed which exceeds the 103 required. The restaurant will be accessed by two driveways.

Regarding signage there is a Pylon Sign which contains the Hampton Inn and Issac Restaurant signs and there is room on it for the Marzoni's sign and there is building signage. There is no plan for freestanding signs on the lot.

There are 2 waiver requirements requested. The first waiver is for a Preliminary Plan and the second waiver is for sidewalks. There are no sidewalks in the business center, but there is a proposed plan for a walkway between Homewood Suites and Marzoni's.

#### Township Comments

Mr. Flint commented the two waivers were covered. No significant information is further required.

#### County Comments

County asked if there would be sufficient space for loading and unloading in the back and asked for verification. Ms. Anderson assured the Board that there was.

#### Board Comments

Mr. Jones asked if the NPDES permit covered in the past covered this area. Ms. Anderson stated that there is one for the 3 lots subdivision. Mr. Jones requested that that information be stated on the plan and also how long it is good for.

Mr. Jones questioned about the drainage easement through the property and wondered if there was going to be a problem with where the building is in relation to the drainage easement. Mr. Flint commented that it is not a problem according to the plan and requirements.

Mr. Jones asked for further explanation of the division of the lots. Ms. Anderson explained that the lots would be resubdivided into a 2.3 acre lot and a 4.8 acre lot. Discussion ensued regarding the subdivision of the lots.

Mr. Dentler asked if the plans had been approved by the Lower Allen Fire Department. Mr. Flint replied that the fire department has had an opportunity to look at the plan.

Mr. Jones questioned if any approvals should be given since the Conditional Use needs to be approved by the Board of Commissioners. The Planning Commission agreed that approval is needed. Additional discussion ensued regarding approval of the plan.

1. **Mr. Jones** made a recommendation of the Board to waive the requirement for Preliminary Plan submission. **Mr. McCreary** seconded the motion. Motion carried: 3 - 1 with **Mr. Magnusson** opposing.
2. **Mr. Jones** made a motion to recommend to the Board of Commissioners to not require sidewalks for the area. **Mr. Dentler** seconded the motion. Motion carried 4-0.

Mr. Jones asked it be made part of the record that the following motion is being made due to unusual circumstances.

3. **Mr. Jones** made a motion to recommend to the Board of Commissioners that the plan be considered for approval subject to the final approval of the Conditional Use Application. **Mr. Dentler** seconded the motion. Mr. Magnusson stated that the Planning Commission is under the opinion that if the Conditional Use is approved the Planning Commission will approve these waivers. Motion carried 4-0.

#### **Zoning Ordinance Agreement #2007-03 - Duty's Lock and Key - 3101 Gettysburg Road.**

John Murphy, Alpha Consulting Engineers, representing Duty's Lock and Key, introduced himself to the Board. The property (4 parcels) is owned by Michael and Sue Beers. The request being made was for the rezoning of two parcels of ground from R-1 to R-3. The parcels are 23-00551-0143 and 0152. Two parcels in the front are zoned R-3. They would like to have their R-1 parcels changed to R-3. With the rezoning of the parcels it would improve their facility.

#### **Township Comments**

Mr. Flint had no comments at this point.

#### **County Comments:**

The Cumberland County Comprehensive Plan and Lower Allen Township Comprehensive Plan show the area as residential. At this time County is not in favor of rezoning.

Mr. Murphy justified the requested rezoning by stating that the other properties owned are R-3 zoned. He added that this is a traditional rezoning request.

#### **Board Comments:**

Mr. Magnusson commented that he felt that this was a reasonable request, other properties around being zoned R-3. Discussion ensued regarding use of property and access to property.

Mr. Magnusson made a motion to recommend the zoning change with regard to traffic safety reasons mentioned. Mr. Dentler seconded the motion. Motion carried. 4-0.

#### **Zoning Ordinance Amendment #2007-02 - LFGC, Inc. - 3804 Lisburn Road**

Chuck Zaleski, attorney for LFGC, introduced himself to the Commission.

Mr. Zaleski presented a proposed zoning amendment for the R-2 district. Mr. Zaleski referenced a document which was submitted in June. The document contains reasons why there is a request

for the rezoning. Mr. Zaleski pointed out the fact "that Liberty Forge is not an economically viable entity under current regulations".

Mr. Zaleski commented that the document they are requesting action on is a rezoning amendment and if the amendment is enacted by the Board of Commissioners the development process would require a detailed sketch plan submitted to the township for review by staff. The process would also require detailed preliminary subdivision and land development plan to be submitted for review by all entities.

Mr. Zaleski commented that there will be a Public Hearing of the Board of Commissioners meeting on August 20th and Liberty Forge is looking for a favorable recommendation by the Planning Commission. Mr. Zaleski turned the presentation over to the design team.

Bony Dawood, Dawood Engineering, introduced himself. Mr. Dawood brought up the need and reasons for an active adult communities. Mr. Dawood stated that Liberty Forge would want to maintain programs to the general public. This model allows Liberty Forge to utilize existing facilities.

Mike Skelly introduced himself to the Planning Commission. Mr. Skelly preceded to clarify what they are asking for is namely for the permission to proceed with the development of the property. Mr. Skelly proceeded to talk about the market for an upscale active adult community, not just a residential buildings, but other amenities as well.

Marcell Mileo, registered landscape architect with Dawood Associates, proceeded to explain the design of the site. There are approximately 100 acres of property with 80% of the property in Lower Allen Township. Mr. Mileo pointed out that since at this point the golf course can not be sustained the plan was to develop the property with all the existing amenities. There are 3 structures already on the property which will be used. Mr. Mileo expressed that they want to conserve and preserve as much as possible of the natural environment and recreational facilities. There would be 6 clusters of buildings with 3 buildings in each cluster, occupying 1 acre of land. Each building would be 4 stories with a penthouse. Parking would be below the buildings giving the elderly people safety and security. There is a plan to have a pedestrian crosswalk across Lisburn Road so individuals can access the facilities on the other side of the road.

#### Township Comments

Mr. Flint made comment as a procedural note that a Public Hearing for this proposed amendment has been scheduled for August 20, 2007 at 7:00 pm. If there is any information or recommendation that the Planning Commission has for the public hearing it would have to be given tonight. Mr. Flint had some items for consideration which he presented to the Planning Commission in memo form.

#### County Comments:

Mr. Dickson expressed the concern that the zoning for the area is currently an R-2 district with single family dwellings and added that all the proposed uses would be more appropriate in an R-3 or R-4 district. Due to the high density it is not appropriate for an R-2 district.

Mr. Zaleski commented that one of the reasons for the high volume of traffic is the need for people to have to get in their car and drive to necessary places. So having various facilities for the individuals of the active adult community would cut back on traffic volume.

#### Audience Comment

Joel Centre, Raven Hill Road, Mechanicsburg

Mr. Centre brought up a comment that was made regarding retail establishments available and that people would not have to drive out of the area and that alot of their needs would be met. He asked if there would be a bank on site? He received an answer of "there could be". He went on to ask if there would be a gas station, post office, cleaners, to reduce travel on Lisburn Road. He received an answer that there would not be a gas station on site. Mr. Centre asked about delivery trucks and employees. He was told that there would be limited retail stores. Mr. Centre asked what accommodations were being made for Lisburn Road and the danger now and all the new traffic. Answer: Those are all part of a land development plan. Mr. Centre continued to ask questions regarding the safety of travel of Lisburn Road. Mr. Centre asked if there would be a hotel on the site. He received an answer that one of the amendments that was proposed does propose a hotel with 200 rooms. Mr. Centre brought attention to the increased traffic on the roads.

Mr. Skelly replied to these questions and considerable time was spent on the impact on Lisburn Road and neighbors. As it stands now, Lisburn has approximately 7,000 trips per day according to PennDOT. Traffic engineers took into account the number of additional residents in the area and came up with an additional 151 cars on Lisburn Road during peak hours of morning travel. Another very detailed traffic impact study will be done in the future.

Linda Centre, 1438 Raven Hill Road, Mechanicsburg

Mrs. Centre asked Mr. Skelly if she understood correctly that Liberty Forge wants the Planning Commission to give the preliminary approval before Liberty Forge does the detailed traffic study. Mrs. Centre went on to say that she would like to see those numbers before any approvals are given. She also expressed concern whether there is a market here for this type of residences and if people can afford them.

Dr. Frank Jackson, 1460 Raven Hill Road, Mechanicsburg

Dr. Jackson owns 30 acres at the corner of Raven Hill and Lisburn Road. He bought the property in 1974 and built a single family home there. He is against the plan and would not like see this type of facility go in there. Lisburn Road has a traffic problem especially where Raven Hill enters it. He bought the property with the understanding it was zoned R-2 and does not want to see it change.

Janey Gunn, 3800 Lisburn Road

Ms. Gunn said that her property is #22 on their plot plan. Ms. Gunn said that the owner of Liberty Forge has not been a good corporate citizen. They have not worked within the existing ordinances. She brought up that Liberty Forge plans on using the property for camp grounds, amphitheatres, rural resorts and outdoor amusements. She pointed out that the driveway they

plan on putting in is between residential properties. She has concerns about traffic. Ms. Gunn feels Liberty Forge does not take into account the residents living around the property.

Randy Brown, 3800 Lisburn Road

Mr. Brown seconded what Ms. Gunn had commented on. Mr. Brown brought up the concern that if Liberty Forge can not run a successful golf course is the Township going to allow them to create another poor development plan.

#### Board Comments

Mr. Jones expressed concern regarding the zoning amendment changing all R-2 districts throughout the township. Mr. Jones remarked he was not in favor of to the plan as written. He does not feel comfortable with the it. Discussion ensued.

Mr. Dentler commented that the traffic figures referenced were from 2005 and felt that those numbers are not representative of the amount of traffic on Lisburn Road in 2007. Mr. Dentler also pointed out that Messiah Village was not listed in the list of senior communities in the area. Mr. Dentler wondered if a study had been done to find out if it was a viable project and investment. Liberty Forge representatives assured him that the market is out there.

Mr. McCreary commented that he is a resident out there and that Lisburn Road can not handle the extra traffic and that traffic is already a major problem. Mr. Zaleski commented that the increase will be a concern that has to be addressed and he is not debating that it is not a problem.

Mr. Dentler said that public water is not available to the area. Mr. Flint mentioned there will be discussion of public water supply for the area with Pennsylvania American Water Co. on August 22, 2007 at 9:00 am.

**Mr. Dentler** made a motion not to recommend or authorize the proposed amendment as prepared. **Mr. Magnusson** seconded the motion. Motion carried 4-0.

#### ADJOURN

Meeting was adjourned at 9:55 pm.