

**MANHEIM TOWNSHIP  
PLANNING COMMISSION  
MINUTES  
Wednesday  
April 20, 2016**

A meeting of the Manheim Township Planning Commission was held on Wednesday, April 20, 2016 at 6:30 p.m. The following members were present: Vice Chairman Jeffery Swinehart; Members: Mr. Walter Lee; Mr. John Shipman; Ms. Maryann Marotta; Mr. John Hendrix and Ms. Stacey Betts. Chairman Mr. Michel Gibeault was absent. The following Township Staff was present: Mrs. Lisa Douglas and Mrs. Shannon Sinopoli.

**Roll Call**

Mr. Swinehart called the meeting to order at 6:30 p.m. and conducted roll call.

**Minutes**

Mr. Swinehart asked for a motion on the March 16, 2016 Planning Commission meeting minutes.

On a motion by Mr. Shipman, it was recommended to approve the March 16, 2016 meeting minutes, seconded by Mr. Hendrix.

**Motion Approved 6-0.**

**Subdivision/Land Development Plans**

- i. **Belmont** – Final Subdivision and Land Development Plan – Planned Commercial Development I – Fruitville Pike - Zoned R-3; I-2; D-R Overlay & T-1 Overlay.

Present representing this Final Subdivision and Land Development Plan was Mr. Alex Piehl, RGS Associates.

Mr. Piehl indicated that they are in receipt of the latest staff review letter and will comply.

Mr. Swinehart stated that this project and plans have been reviewed by the Planning Commission numerous times and indicated that the planning members did not have any further questions or comments.

Mr. Swinehart asked for public comment. There was no response.

On a motion by Mr. Shipman, it was recommended to approve this plan; the 100-year Floodplain Area; the Specific Permission requests and the modification request contingent upon a clean review letter and conditioned upon the applicant obtaining Joint Permit and Highway Occupancy plan approvals prior to presenting this plan to the Board of Commissioners for action, seconded by Mr. Lee.

**Motion Approved 6-0.**

- ii. **Village of Olde Hickory** – Tentative Land Development Plan – Planned Residential Development - 600 Olde Hickory Road – Zoned R-3; B-2; B-3; D-C Overlay & T-1 Overlay.

Present representing this Tentative Land Development Plan was Mr. Grant Smith, Advanced Geo Services.

Mr. Smith indicated that the applicants are in receipt of the latest staff review letter and that they concur with the comments and will be conforming to them.

Mr. Swinehart indicated that this is another project that has been in the process for some time and has been reviewed by the Planning Commission on several occasions and will be seen again during the final plan phases, therefore, the planning members do not have any further questions or comments.

Mr. Swinehart asked for public comment. There was no response.

On a motion by Mr. Lee, it was recommended to approve this plan; the 100-year Floodplain Area; the Specific Permission request and the modification requests contingent upon a clean review letter and conditioned upon the applicant addressing all outstanding stormwater and geotechnical comments prior to presenting this plan to the Board of Commissioners for action, seconded by Ms. Betts.

**Motion Approved 6-0.**

- iii. **Landis Homes** - Preliminary Land Development Plan - 1001 East Oregon Road - Zoned IN & T-1 Overlay.

Present representing this Preliminary Land Development Plan was Mr. Craig Smith, RGS Associates.

Mr. Smith indicated that this plan was presented to the Planning Commission in January 2016 and in summary the plan consists of 80 apartment units, a fitness center, lower level parking, roadway improvements and a new entrance.

Mr. Smith advised that all of the technical comments have been addressed since the January meeting.

There were no further discussions.

Mr. Swinehart asked for public comment. There was no response.

On a motion by Ms. Marotta, it was recommended to approve this plan and modification requests contingent upon a clean review letter, seconded by Ms. Betts.

**Motion Approved 6-0.**

iv. **Area 18, LP** - Preliminary/Final Subdivision and Land Development Plan - 651 Delp Road - Zoned B-4; D-R Overlay & T-1 Overlay.

Present representing this Preliminary/Final Subdivision and Land Development Plan was Mr. Bill Swiernik, David Miller/Associates and Mr. Frank Nolt, Area 18, LP.

Mr. Swiernik indicated that this plan is the land development plan for the portion of the PPL site on the corner of Delp Road and Manheim Pike which was recently rezoned to the B-4 District to house a new car dealership.

Mr. Swiernik indicated that the Subaru Dealership wishes to relocate from East Petersburg to this site and that the building size will be 42,000 square feet with about 50 employees. Mr. Swiernik indicated that the stormwater system is designed as an underground system.

Mr. Swiernik indicated that the applicants are in receipt of the first staff comment review letter and prior to finalizing a resubmission addressing the comments, the applicants would like to discuss two of the six modification requests with the Planning Commission; one with regards to roadway improvements along Delp Road and the other with regards to the internal vertical curb height.

Mr. Swiernik indicated that per ordinance requirements Delp Road would need to be reconstructed to the center of the road however staff has indicated that full depth reconstruction would not be necessary due to the existing roadway conditions, although staff is requiring that Delp Road be milled and overlaid.

Mr. Swiernik stated that the applicants are requesting relief from providing any roadway improvements based upon similar modifications previously granted for projects located on the opposite side of Delp Road and to stay in line with the character of the roadway that is across the street.

Mrs. Douglas advised the Planning Commission that the projects across the street occurred more than 10 years ago.

Mr. Shipman stated that the applicant would have to complete full depth reconstruction based on ordinance requirements but that staff is willing to support relief of such provided that the applicants mill and overlay the roadway.

Mr. Swiernik felt that any improvements were unnecessary and that there should be fairness as with the other lots across the street and requested input from the planning members.

Mrs. Douglas stated that the public works department would be the department to support such request.

Mr. Nolt stated that he doesn't see any benefit with the milling and overlay and that he would like fair treatment and he feels as though this waiver is a reasonable request and although Subaru would like to be at this location, if roadway improvements are required then they will not be building there.

Mr. Swiernik indicated that the second request is for relief from the required 8-inch vertical curb to allow for a 6-inch vertical curb reveal internal to the site which would help with maneuvering and parking of vehicles within the site.

Mr. Swiernik indicated that according to the Township Engineer there is a concern with regards to a 6-inch reveal not being sufficient to provide adequate stormwater collection and conveyance, however, he disagrees and will respond accordingly.

Mr. Swinehart questioned if the primary reason for the lesser curb height was over parking and the potential for vehicle damage.

Mr. Swiernik indicated yes.

Mr. Swinehart stated that modifying the ordinance because of the lack of parking skills doesn't seem like a valid reason.

Mr. Swinehart advised the applicant to revisit both of these requests with Township Staff.

Mr. Swinehart asked for public comment. There was no response.

On a motion by Mr. Lee, it was recommended to table this plan and modification requests until all outstanding comments can be adequately addressed, seconded by Mr. Shipman.

**Motion Approved 6-0.**

## **B. Rezoning Requests**

- i. **Brethren Village & Brethren Services** – Rezoning Petition – Lititz Pike & Airport Road - Request to change zoning of property from I-1 Industrial District to Institutional District and remove from D-A Airport Overlay District.

Present representing this Rezoning Petition request was Mr. Dwight Yoder, Gibbel, Kraybill and Hess.

Mr. Yoder stated that in response to concerns raised during the March Planning Commission meeting with regards to taxes, he became aware of a PILOT (payment in lieu of taxes) program and agreement which was put into place in 2010.

Mr. Yoder indicated that the land being petitioned for rezoning is included in the lands that are associated with the PILOT agreement and that the assessment will change and increase the tax money revenue under the PILOT with this project.

Mr. Shipman indicated that the Planning Commission was made aware of this PILOT agreement after the March meeting and there are no further concerns.

Mr. Yoder indicated that the second topic of discussion at the March meeting was with regards to the westbound right turn lane improvement from Airport Road onto Lititz Pike.

Mr. Yoder indicated that the traffic impact study conducted for this project indicated several deficiencies at this intersection and that these issues can be discussed and addressed during the land development process.

Mr. Swinehart stated that he feels that this request as a whole seems to be an appropriate extension of the existing campus which will also be less of a traffic burden.

There were no further discussions.

Mr. Swinehart asked for public comment. There was no response.

On a motion by Mr. Lee, it was recommended to approve this Rezoning Petition request, seconded by Mr. Shipman.

**Motion Approved 6-0.**

- ii. **Hurst Family Estate** – Rezoning Petition – Creek Road & Oregon Pike - Request to change zoning of property from R-3 Residential District to B-4 Business District.

Present representing this Rezoning Petition request was Ms. Caroline Hoffer, Barley Snyder; Mr. Victor Hurst, Hurst Family Estate and Mr. Justin Russell, Rettew Associates.

Ms. Hoffer indicated that, although under the same ownership, there is a 32 acre parcel that is separately deeded from the neighboring parcel that houses the Oregon Dairy. This parcel lies partly in the B-4 Business District (approximately 4.97 acres) with the remaining lands lying within the R-3 Residential District.

Ms. Hoffer stated that this request is to extend the B-4 District to the boundaries of this 32 acre parcel in order to permit the continuance of the corn maze and pumpkin activities as well as weddings and line dancing events.

Ms. Hoffer indicated that the Township recently issued a letter indicating that such activities were not permitted in the R-3 Residential District which is a violation of the zoning ordinance. The applicant has stopped such activities pending the outcome of this rezoning request.

Ms. Hoffer indicated that this parcel also lies within the T-5 Oregon Village Overlay and the Village Growth Overlay which is set up for development and would permit such uses by right if the land were to be developed/re-developed.

Ms. Hoffer stated that rezoning this parcel to the B-4 District allows commercial recreation uses by special exception in which case if the applicant is successful in rezoning this parcel then their next step would be to submit for a special exception with the Zoning Hearing Board.

Ms. Hoffer indicated that there is no further development proposed with this request other than improvements to the barn to make it code compliant.

Mr. Swinehart questioned whether there would be any additional expansion of the uses.

Mr. Hurst indicated that it is the intent to continue activities that promote agricultural education which is ever growing.

There were no further discussions.

Mr. Swinehart asked for public comment. There was no response.

On a motion by Mr. Shipman, it was recommended to approve this Rezoning Petition request, seconded by Mr. Hendrix.

**Motion Approved 6-0.**

### **C. Conditional Use Request**

- i. **Wetherburn Commons** - Revised Conditional Use Request – Wetherburn Commons Planned Residential Development South Meadow and East Meadow Sections - Scotland Court; Richmond Drive; Prince George Drive & Petersburg Road - Zoned R-3; R-1 & T-1 Overlay.

Present representing this Revised Conditional Use request was Mr. Randy Hess; Ms. Lisa Cooper; Mr. Edward Buckwalter and Mr. Brian Donmoyer.

Mr. Hess indicated that the applicants are seeking two modifications from the 2004 Conditional Use Approval of the Wetherburn Commons PRD.

Mr. Hess indicated that the first request pertains to Lots 60, 61, 62, 68, 69, 74, 75, 76 & 84 in the South Meadow Development and with regards to Condition #16 where a restriction was put into place requiring front load garages to have 15-foot minimum setback from the front of the house or to provide courted garages wherever the 15-foot setback cannot be met.

Mr. Hess referred to Exhibit #2 and indicated that in order to comply with the front load garage scenario the houses would have a skinny L-shaped first floor living area and if the applicants had to comply with the shared driveway courted garages, Mr. Hess referred to Exhibit #1, there is not enough room to turn around as there would only be 20-feet from the garage entrance to property line, therefore the homeowners would need to encroach over and onto the adjoining driveways in order to turn around.

Mr. Hess indicated that what makes the development of these particular lots even more difficult to develop and cumbersome is that there is a stormwater easement which runs behind these lots and further pinches the buildable area.

Mr. Hess stated that upon trying to design certain lots in the South Meadow portion, it appears most likely that some of these lots were overlooked during the 2004 Conditional Use process when it came to assigning such conditions.

Mr. Shipman stated that the applicant is requesting relief of a zero garage setback/offset, but questioned whether or not the applicant could live with possibly a 5-

foot setback to ensure that there is some break between the front of the house and the garage.

Mr. Hess indicated that it would be possible in light of the fact that a porch is required for all houses which have an offset of about 4-5 feet.

Ms. Marotta questioned what would happen with the reduction of driveway depth for off-street parking and whether or not someone parking in the driveway would actually be encroaching upon or completely over top of the sidewalk.

Discussions took place regarding this issue and Mr. Swinehart suggested that the applicant attend the next briefing meeting for further discussions.

Mr. Hess indicated that the second modification request pertains Lots 1 & 51 in the East Meadow section and with regards to Condition #15.(3) and 15.(4) which placed a 50-foot building restriction line and a mandatory detached garage for those lots that abutted Petersburg Road. Mr. Hess advised that these two lots sit on opposite corners of Petersburg Road and Prince George Drive.

Mr. Hess indicated that for all of the other lots abutting Petersburg Road, these conditions were able to be accomplished as the rear of the homes face Petersburg Road; however, because Lots 1 & 51 are corner lots the sides of the homes would face Petersburg Road, the 50-foot building restriction along with a stormwater easement leaves 5-feet to build on.

Mr. Shipman asked if the applicant is requesting a 22-foot setback as shown on the submitted exhibits or a zero setback as indicated in the request letter.

Mr. Donmoyer indicated that the request is for a zero building restriction however, they could work with a 22-foot building setback.

Mr. Hess advised that this request also seeks to permit attached garages for these two lots.

Mr. Swinehart stated that the majority of the homes in East Meadow have attached garages and he felt that this request was justifiable in keeping with the layout of the development.

Mr. Swinehart asked for public comment. There was no response.

On a motion by Mr. Shipman, it was recommended to table this Revised Conditional Use request, seconded by Ms. Betts.

**Motion Approved 6-0.**

### **General Public Comment**

There was no public comment.

**Adjournment**

On a motion by Mr. Hendrix, it was recommended to adjourn the meeting, seconded by Ms. Betts. Motion approved 6-0 and the meeting adjourned at 7:55 p.m.

The next Regular Planning Commission meeting is scheduled for Wednesday, May 18, 2016 at 6:30 p.m.

Respectfully submitted,

Shannon L. Sinopoli