

**MANHEIM TOWNSHIP
PLANNING COMMISSION
MINUTES
Wednesday
July 21, 2010**

A meeting of the Manheim Township Planning Commission was held on Wednesday, July 21, 2010 at 6:30 p.m. The following members were present: Mr. Jeffrey Sturla; Mr. Michel Gibeault; Mr. Donald Reed; Mrs. Mary Ellen Hollinger; Mr. Michael Martin and Mrs. Stacie Reidenbaugh. Mr. Cory Rathman was absent. The following Township staff was present: Mrs. Lisa Douglas and Mrs. Shannon Sinopoli.

Roll Call

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

Minutes

Mr. Sturla asked for a motion on the June 16, 2010 Planning Commission meeting minutes.

On a motion by Mr. Reed, seconded by Mr. Gibeault it was recommended to approve the June 16, 2010 meeting minutes.

Motion Approved 6-0.

Subdivision/Land Development Plans

1. Metro Bank Airport Road – Preliminary/Final Land Development Plan – 3199 Lititz Pike – Zoned I-1.

Present representing this Preliminary/Final Land Development Plan was Mr. Chris Dellinger, Herbert, Rowland & Grubic.

Mr. Dellinger indicated that this project is located on the corner of Lititz Pike and Airport Road, formerly the location of Freeze 'N Frizz. Mr. Dellinger advised that Metro Bank will be leasing the lot from Brethren Village.

Mr. Dellinger indicated that this plan is for a standard branch drive-thru bank with access from both Lititz Pike and Airport Road. Mr. Dellinger advised that the access along Lititz Pike will be a restricted right-in/right-out only while the Airport Road access will be a full, unrestricted movement.

Mr. Dellinger indicated that the applicants will be constructing a new right turn lane on the north side of Airport Road for traffic turning north onto Lititz Pike and that there will also be some restriping of the intersection.

Mr. Dellinger indicated that he is working through staff comments and that there are still outstanding stormwater comments that need to be worked out.

Mr. Dellinger stated that he did want to have a discussion regarding a staff comment concerning the full construction of the access drive.

Mr. Dellinger indicated that the access drive will be shared with future development of the remaining Brethren Village site and that Brethren Village did obtain zoning variances for the access drive to straddle over the property lines (improvement area, planting strip, location), however, this particular plan for just the bank proposes to construct only a portion of the drive. Mr. Dellinger indicated that in light of the bank not needing the full drive as well as the unknown of what future uses or development of the rest of the Brethren Village site will be the applicant doesn't want to spend the funds to fully construct the access drive at this point in time. Mr. Dellinger indicated that Brethren Village does acknowledge the fact that they would have to come back and re-obtain all of the zoning variances with any future development.

Mr. Sturla indicated that he is opposed to delaying the full construction of the access drive when all along it was the intention to construct it entirely. Mr. Sturla indicated that not fully constructing the access drive would also be in conflict with the testimony and presentation given at the Zoning Heard Board meeting.

Mr. Sturla indicated that it is the Planning Commission's recommendation that full construction of the access drive along with curb and sidewalk be completed now with this plan.

Mr. Dellinger stated that Metro Bank is the lessee and that Brethren Village has control over the lands and that there will be an access easement agreement tied into this project and for the future uses.

Mr. Sturla indicated that the Planning Commission prefers that the full improvements be put into place now.

Mr. Dellinger stated that this was a private issue and that he could not find any requirement in the ordinance that would require his applicant to oblige them to complete the full construction.

Mr. Dellinger indicated that he also had concern with one of the stormwater modification requests and the indication from staff that the request is not being supported.

Mr. Dellinger stated that this modification is regarding the requirement to provide a minimum of 1-foot of cover between the top of the pipe and the bottom of the pavement subgrade.

Mr. Dellinger indicated that they are proposing to install two 36-inch diameter culvert pipes with the manufacturer's required cover and that the Township Engineer has indicated that the cover is inadequate below the access drive along the Lititz Pike.

Mr. Dellinger indicated that in order to comply with this requirement would conflict with another requirement with is the 4% maximum slope requirement so it comes down to cover versus slope.

Mr. Sturla advised Mr. Dellinger to hold discussions with the Township Engineer relative to the stormwater requests.

There was a brief stormwater discussion and concerns raised regarding the existing flooding that occurs at the intersection.

Mr. Sturla asked if the restricted access (pork chop) along Lititz Pike has been resolved with PADOT in regards to the Township's preferred location pulling it back and aligning with the curb line.

Mr. Dellinger indicated that he is still working on it with PADOT along with a few other issues. Mr. Dellinger indicated that PADOT does not like the 30-foot width of the access drive and prefers 24-feet, however both Mr. Dellinger and the Township Engineer support the larger width and that he is trying to come to a compromise with PADOT which may reduce the width to 28-feet.

Mr. Dellinger indicated that PADOT also is requesting that the pork chop be placed out in the travel lane, however, the Township staff is requesting that it be moved back and have a continuous right turn lane.

Mr. Dellinger stated that the Township has a radii requirement of 50-feet, however PADOT's requirement is 15-feet, which is another PADOT requirement that both Mr. Dellinger and the Township Engineer disagree on.

Mr. Dellinger indicated that he has submitted a revised sketch to PADOT and with the Township's support is hopeful to come to a compromise that satisfies all parties.

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

On a motion by Mr. Reed, seconded by Mrs. Reidenbaugh, it was recommended to table this plan until all outstanding comments can be adequately addressed.

Motion Approved 6-0.

2. Kleinsasser – Preliminary/Final Subdivision Plan – 1170 Erbs Quarry Road – Zoned R-1.

Present representing this Preliminary/Final Subdivision Plan was Mr. Rob Visniski, RAV Associates.

Mr. Visniski indicated that this plan consists of the subdivision of two lots off of Fruitville Pike and the former Old Erbs Quarry Road (now renamed Myers Court) for purposes of constructing an additional single family dwelling unit on Lot 2 (an existing dwelling is located on Lot 1).

Mr. Visniski indicated that as a part of this plan the old right-of-way for Old Erbs Quarry Road is being vacated and cleaned up.

Mr. Visniski indicated that the applicants are requesting 7 modifications with this project.

On a motion by Mr. Gibeault, seconded by Mr. Reed it was recommended to approve this plan and modifications contingent upon a clean review letter.

Motion Approved 6-0.

3. Faulkner BMW – Preliminary/Final Land Development Plan – 1530 Manheim Pike – Zoned B-4.

Present representing this Final Subdivision and Land Development Plan was Mr. Bill Swiernik, David Miller/Associates.

Mr. Swiernik indicated that this plan consists of the redevelopment of the former Saturn Car Dealer site on the corner of Manheim Pike and Commerce Drive.

Mr. Swiernik indicated that the access drives remain the same with the access onto Manheim Pike being a restricted right-in/right-out movement and the access drive along Commerce Drive being an unrestricted full movement.

Mr. Swiernik indicated that the old showroom is being demolished and that a new showroom will be constructed and will connect to the other existing structure.

Mr. Swiernik indicated that the plans propose additional right-of-way along Commerce Drive in order to widen Commerce Drive to construct a right turn lane on Commerce Drive to turn south bound onto Manheim Pike.

Mr. Swiernik indicated that he has received the initial review comments from Township staff and engineer and have recently resubmitted to try and address the majority of the comments and in addition, several new modifications are being requested.

Mr. Swiernik briefed over the requested modifications.

In response to the modification request from constructing sidewalk along Manheim Pike, Mr. Gibeault stated that in light that there is sidewalk along Manheim Pike to the north of the intersection, a pedestrian heading south to Park City would have no place to go once they reach that intersection.

Mr. Swiernik indicated that there is no sidewalk along that side of Manheim Pike until you reach Dillerville Road.

Mr. Gibeault indicated that he understands that and understands that maybe Manheim Pike isn't very pedestrian friendly as it exists, but that the Township should try and have sidewalk installed where we can now and if future redevelopment takes place along the Manheim Pike corridor, we can possibly end up with connections in the future for safer pedestrian movement.

Mr. Sturla agreed and indicated that if ALCOA or Alumax would come in with some type of land development we can begin to work our way in an attempt to get sidewalk connections.

Mr. Sturla suggested holding discussions on staff regarding the placement of sidewalk and process of construction.

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

On a motion by Mr. Reed, seconded by Mrs. Hollinger, it was recommended to table this plan until all outstanding comments can be adequately addressed.

Motion Approved 6-0.

4. Spring Haven – Final Subdivision and Land Development Plan - Buch Avenue and Raleigh Drive - Zoned R-1 w/ TDR Option.

Present representing this Final Subdivision and Land Development Plan was Mr. Sandy Kime, David Miller/Associates.

Mr. Kime indicated that this is the Final Plan following the review and approval of the Preliminary Plan. Mr. Kime indicated that all technical items were addressed during the Preliminary Plan process and that just general administrative comments remain outstanding.

On a motion by Mr. Gibeault, seconded by Mrs. Hollinger it was recommended to approve this plan and modifications contingent upon a clean review letter.

Motion Approved 6-0.

Other/Rezoning/Text Amendment/Conditional Use Reviews

1. Worthington – Revised Conditional Use Request – Planned Residential Development – Oregon Pike - Zoned R-2 and R-3.

Present representing this Revised Conditional Use Request was Mr. Mark Johnson, RGS Associates and Mr. Dave Minno, Minno & Wasko Architects and Planners.

Mr. Johnson indicated that the reason for the revised conditional use is due to the applicants desire to redesign the commercial component layout of the previously approved Planned Residential Development (PRD) in order to get to a design that really captures the intent of what a PRD should look like. Mr. Johnson indicated that nothing is changing with any of the residential portions.

Mr. Johnson indicated that the applicants have worked with staff and a couple planning members over the past several months to get to a design that is more acceptable to all parties involved.

Mr. Johnson indicated that this is just the first step in the process for these revisions and if they are successful at obtaining approval from the Board of Commissioners for this revised design, then they will have to file a revised tentative plan and obtain those approvals and then finally a revised final plan.

Mr. Minno provided a presentation and renderings of the new building design layout, streetscape and architecture.

Mr. Minno indicated that with this new design the applicants have now met their goal of creating the desired main street with all of the streetscape and architectural elements.

Mr. Minno indicated that this revised design includes the addition of 65 apartment units above some of the retail uses which requires 30 Transferable Development Rights and have pushed back the taller buildings away from Oregon Pike. Mr. Minno indicated that the total retail space is 44,000 square feet.

Mr. Minno indicated that the anchor tenants for this development are Fulton Bank and a Turkey Hill convenience store. Mr. Minno indicated that the convenience store has been turned perpendicular to Oregon Pike versus fronting Oregon Pike.

Mr. Minno indicated that they have also included large sidewalk areas throughout in order to allow for the potential of outdoor food dining.

Mr. Minno provided visuals on the horizontal and vertical architectural elements of the proposed structures.

Mr. Sturla applauded the applicants for their efforts in redesigning the commercial component and stated that this new design really captures the intent of the main street concept and commercial component of the PRD ordinance versus the previous layout.

Mr. Gibeault and Mr. Martin also applauded the applicants for getting to this point and both felt that it certainly has the potential to be the Township's best designed PRD.

Mr. Sturla indicated to the applicants that if this revised conditional use receives approval from the Board of Commissioners in August, the previous approved plans and design become obsolete and the applicant must move forward with this new proposal.

Mr. Sturla also indicated to the applicants that they will need to comply with all of the conditions from the previous approvals in addition to any new conditions that may be required as a result of this new design.

Mr. Sturla also stated that any recommendations from the Planning Commission or approvals from the Board of Commissioners for this revised conditional use request in no way approves any signage, or modifications for signage or any

other modifications as these items will be discussed during the revised tentative plan phase.

Mr. Sturla asked for public comment.

Patron #1: Robert Bovie, 1957 Geraldson Drive

Mr. Bovie asked to confirm that there would be 65 apartments above 44,000 square feet of retail.

Mr. Minno indicated yes.

Mr. Bovie raised a concern about congestion with delivery trucks as he witnessed a box truck and a semi tractor trailer backed in for delivery at the Fruitville Pike Turkey Hill and indicated that there was no way to get around them.

Mr. Bovie asked to confirm that there will be all residential uses around the perimeter of the commercial component and if all of the residential uses access through the main street.

Mr. Minno indicated yes.

Mr. Bovie stated that Manheim Township is not under retained and after going around different areas of the Township and taking photographs, he found that there are a lot of vacant buildings and spaces in the area such as Richmond Square and Bloomfield Village.

No further public comment.

On a motion by Mr. Martin, seconded by Mr. Gibeault it was recommended to approve the Revised Conditional Use Application ("Application") for Worthington, a planned residential development, subject to all of the following conditions:

1. Rockview LLC, a/k/a Rockview, LLC, and Keystone Custom Homes, Inc. (collectively the "Applicant") shall comply with all of Applicant's promises and representations with respect to the development of the area of revision of Worthington which is shown on the Revised Sketch Plan and Conditional Use Plan dated June 7, 2010 (the "Revised Sketch Plan"), such area of revision to encompass the portion of Worthington located on the northwest side of Oregon Pike (SR 0272) more fully described and identified as Tract No. 2 in the Deed of Confirmation dated September 11, 2008, and recorded at Document Identification No. 5732800 in the Office of the Recorder of Deeds of Lancaster County (the "Revised Sketch Plan Area").
2. Applicant shall develop the Revised Sketch Plan Area in strict compliance with the submission package (the "Submittal") including the Concept Site Plan, Concept Perspective at Entry Drive, Concept Building Elevations, and Concept Building Plans prepared by Minno & Wasko, Architects and Planners, that accompanied the Application which was transmitted to Lisa A. Douglas, Township Director of Planning and Zoning, by letter dated June 7, 2010, from

Mark A. Johnson, Applicant's Consultant, with the exception of such waivers and modifications as are hereafter expressly approved in writing by the Township and with the exception of any sign exhibits or depictions which were part of the Submittal. Development of the Revised Sketch Plan Area in compliance with the Submittal is an integral part of this recommendation. Applicant shall also comply with any findings of fact made by the Board of Commissioners in the event the Board of Commissioners grants this Application. Any sign exhibits or depictions of signs which accompanied the Application or the Submittal are not included in this recommendation and remain subject to further review by the Planning Commission and approval by the Township.

3. Applicant shall secure thirty (30) transferable development rights in order to allow the residential density shown on the Revised Sketch Plan. All required documentation including, but not limited to, the Deed(s) of Transferable Development Rights and the Declaration(s) of Restriction of Development for such transferable development rights shall be properly completed and executed in a form and content acceptable to the Township and to the Township Solicitor or Assistant Solicitor.
4. The fueling station proposed as part of the convenience store shall be limited to a maximum of five (5) fuel dispensers serving no more than ten (10) motor vehicles at any one time.
5. Applicant shall comply with all terms and conditions of prior approvals granted by the Township with respect to Worthington (with the exception of such revisions as are expressly approved in writing by the Township) including, but not limited to, the Conditional Use Decision of the Board of Commissioners for Worthington dated May 8, 2006; the Decision of the Board of Commissioners dated July 9, 2007, granting approval of the Tentative Plan for Worthington; the conditions of approval relating to the Final Plan for Phase 1 of Worthington which Applicant accepted in writing on August 11, 2008; the PennDOT HOP Condition Statement which was recorded in the Office of the Recorder of Deeds of Lancaster County on September 22, 2008, at Document Identification No. 5734804; and Applicant's Letter-Agreement dated September 26, 2008.
6. Applicant shall indemnify and hold harmless the Township in a manner and in documentation satisfactory to the Township with respect to PennDOT's policies regarding the installation and maintenance of stormwater facilities, sidewalk or curb within state highway rights-of-way.
7. Applicant shall demonstrate and certify to the Township that it has complied with the requirements of the Uniform Planned Community Act and Article VII of the Pennsylvania Municipalities Planning Code ("MPC") with respect to the rights of persons who have already purchased land or units within Worthington.
8. Applicant shall submit updated schedules for Phase 1 and Phase 2 of Worthington in accordance with the requirements of Article VII of the MPC.

9. Applicant shall address to the satisfaction of the Township the comments contained in the Development Plan Review Report dated June 25, 2010, issued by the Township Department of Planning and Zoning as well as comments which may be included in subsequent Development Plan Review Reports for Worthington.
10. If Applicant receives conditional use approval for this Application from the Board of Commissioners, Applicant shall submit and receive approval of both a revised tentative development plan and a revised final development plan under the provisions of the Zoning Ordinance and the MPC for the Revised Sketch Plan Area and all other approvals which are necessary for the development of Worthington.
11. Applicant shall obtain any necessary approvals or permits from PennDOT for the modified access to Oregon Pike (SR 0272) contemplated by the Revised Sketch Plan within the time required by the Township Zoning Ordinance and Subdivision and Land Development Ordinance and shall construct such improvements at Applicant's expense.
12. Applicant shall obtain all other permits and approvals required by applicable Township ordinances, regulations and specifications and by all county, state and federal laws and regulations relating to the development of Worthington, as and when required.
13. Applicant shall pay or reimburse the Township for all fees, charges, expenses, costs, and contributions in connection with all aspects of the Application and the proposed revisions to Worthington including, without limitation, all inspection, plan review, engineering, traffic consultant, legal, court reporter and transcript, advertising, permit, building, recreation, utility tapping and connection and transportation impact fees, charges, expenses, costs, and contributions.
14. This recommendation is expressly and strictly limited to this Application. If the Board of Commissioners grants the Application, Applicant shall submit to the Planning Commission for future review and recommendations any modification and waiver requests, the Revised Tentative Plan Application, and Revised Final Plan Application. Any future submissions will be reviewed in conjunction with the requirements of the Manheim Township Zoning Ordinance, the Manheim Township Subdivision and Land Development Ordinance, the MPC, and other applicable laws, ordinances and regulations.

Motion Approved 6-0.

Public Comment

There was no public comment.

Adjournment

On a motion by Mr. Reed, seconded by Mr. Gibeault, it was recommended to adjourn the meeting.

Motion approved 6-0 and the meeting adjourned at 8:20 p.m.

The next Regular Planning Commission meeting is scheduled for Wednesday, August 18, 2010 at 6:30 p.m.

Respectfully submitted,

Shannon L. Sinopoli