

**MANHEIM TOWNSHIP  
PLANNING COMMISSION  
MINUTES  
Wednesday  
December 17, 2008**

A meeting of the Manheim Township Planning Commission was held on Wednesday, December 17, 2008 at 6:30 p.m. The following members were present: Mr. Jeffrey Sturla; Mr. Michel Gibeault; Mr. Robert Wolf; Mr. Cory Rathman; Mr. Donald Reed; Mrs. Mary Ellen Hollinger and Mr. Michael Martin. The following Township staff was present: Mrs. Lisa Douglas and Mrs. Shannon Sinopoli.

**Roll Call**

Mr. Sturla called the meeting to order at 6:35 p.m. and conducted roll call.

**Minutes**

Mr. Sturla asked for a motion on the November 12, 2008 Special Planning Commission meeting minutes and the November 19, 2008 Regular Planning Commission meeting minutes.

On a motion by Mr. Reed, seconded by Mrs. Hollinger, it was recommended to approve both the November 12, 2008 and November 19, 2008 meeting minutes.

**Motion Approved 7-0.**

**Comprehensive Plan**

Mrs. Douglas indicated that the draft Comprehensive Plan was presented to the Planning Commission on November 12, 2008 and that the Planning Commission will allocate time on the monthly meeting agendas for continued discussion and that once a recommendation is received from the Planning Commission, a public hearing will be set before the Board of Commissioners.

Mrs. Douglas indicated that discussions took place during the December Planning Commission Briefing meeting concerning the possibility of holding another Special Planning Commission meeting on January 28, 2009 for further Comprehensive Plan discussions and comments, however, it was decided that, in order to allow for a longer time period for review and additional comments from the public, the Comprehensive Plan will be on the regularly scheduled meeting agenda for the next 4 to 5 Planning Commission meetings.

Mrs. Douglas asked the planning members and audience to put the word out to the public, who may have heard about the potential for a special meeting, that there will not be a meeting held on January 28, 2009.

Mrs. Douglas advised that if anyone would like to view the draft Comprehensive Plan document they can do so by stopping by the Manheim Township Municipal Office, Monday

thru Friday, during the hours of 8:00 a.m. through 5:00 p.m. or by visiting the Township website.

Mr. Sturla asked for public comment.

**1. Patron: Paula Leicht**

Ms. Leicht indicated that she was present on behalf of the Aaron Hess Estate.

Ms. Leicht indicated that the parcel she wishes to comment on is a 71 acre tract on the east side of Fruitville Pike and on the south side of Route 30.

Ms. Leicht distributed a letter to the Planning Commission requesting a change in the Future Land Use designation for this property.

Ms. Leicht stated that she is asking that the Planning Commission consider designating this entire property as Corridor/Interchange Commercial because the owners believe that this property represents the only opportunity for the kinds of land uses that are going to be considered for that designation and because it also represents the only area in the Township where those types of uses can be expanded.

Ms. Leicht indicated that the Lancaster Intermunicipal Comprehensive Plan (LIMC) and the Manheim Township draft plan designates this area as part of the urban growth area which means those are the areas that the Township believes are best suited for future development and that further, the Manheim Township draft plan talks about non-residential uses being designed to maximize the land areas that are available to them.

Ms. Leicht stated that this parcel (the Hess tract) has the best roads of any property in the township and in so as far as a regional opportunity and opportunity for the Township, she believes that this tract is unparalleled.

Ms. Leicht stated that she wanted to emphasize, for the Planning Commission, some of the positives that can come out from using land that is best suited for the kinds of uses that really should be located on this parcel and those are part of the commercial/retail designations that includes hotels and restaurants and entertainment, which provide employment for the people that live in the Township and surrounding area.

Mr. Reed indicated that it was agreed at the Comprehensive Planning meeting was that there would be a strip of R-3 Residential designation south of the quarry and east of the quarry and asked if Ms. Leicht was proposing something different.

Ms. Leicht answered yes, that they were asking to extend the Future Land Use designation of Corridor/Interchange Commercial to the property boundaries of

the 71 acres on the south side of Route 30 and advised that whatever happens with this property, they will be taking the neighbors concerns into account, but they think this property represents a unique opportunity in the Township and that there are certainly ways to protect the neighbors interests while at the same time provide benefits for the community.

**2. Patron: Caroline Hoffer**

Mrs. Hoffer indicated that she was present to comment on 3 separate properties and provided a letter requesting designation changes.

Mrs. Hoffer stated that the first property she wished to discuss was the Men's Warehouse property, located at 1601 Manheim Pike.

Mrs. Hoffer stated that currently this property is zoned Industrial, however, the original zoning designation of Industrial was for the original truck tire center use.

Mrs. Hoffer indicated that all of the uses adjacent to and around this property are presently retail uses and they are all located on a retail corridor, therefore, she is asking that the Planning Commission consider including the Men's Warehouse property in the Corridor/Interchange Commercial District to match the parcels immediately adjacent on both sides of this property.

Mrs. Hoffer stated that the second property she wished to discuss was the Bloomfield Village property, located at 3140 Lititz Pike.

Mrs. Hoffer indicated that this site is currently zoned B-3, Business District, and has a proposed Future Land Use designation of Village.

Mrs. Hoffer stated that their concern with this designation is that the Village District is currently not defined and that the draft plan indicates that the Village District will be something subject to a master plan because they do not know what it will mean for this property and they don't want the uses located on this parcel to become non-conforming uses within a Village District because once a property becomes a non-conforming use, there are numerous difficulties with trying to replace tenants, financing hurdles and restrictions on redevelopment.

Mrs. Hoffer indicated that the Village District designation may be alright, but since its really not defined yet and if the intent is that the Village District will not allow for a shopping center type use which is existing, then they are asking that it be considered as a Corridor/Interchange Commercial or an Office/Local Commercial District.

Mrs. Hoffer stated that the third property she wished to discuss is the Quality Inn site, located at 2363 Oregon Pike.

Mrs. Hoffer indicated this property is currently zoned B-3, Business District and that there is a hotel on it. Mrs. Hoffer advised that this property is presently being proposed for redevelopment to house a combination of retail uses and service uses, such as a bank and a convenience store, and that if this parcel was to change to the Future Land Use designation of Office/Local Commercial, there would be another non-conformity created, because banks and convenience stores would not be permitted under such designation.

Mrs. Hoffer stated that by excluding banks and convenience stores you are requiring those uses to go into the Interchange/Commercial district which is a very small part of the Township and really doesn't serve the residents because people will not go out of their way to find a branch bank or a convenience store.

Mr. Sturla indicated that he agrees that banks and convenience stores should be included in the Office/Local Commercial district.

Mrs. Douglas stated that the Future Land Use map is one of the Township guides, but that the Township does not rezone, and that rezoning is more of a developer driven change.

Mrs. Hoffer indicated that if someone did try to rezone the property, one of the main questions asked during rezoning is if the rezoning is consistent with the Comprehensive Plan Future Land Use Map in which case the answer would be no.

Mr. Reed raised concerns about the amount of commercial existing in the Township and questioned when there is too much. Mr. Reed stated that one of the main points discussed during the steering committee meetings was traffic and that the infrastructure to the road systems would have to be put in place first, prior to continued development, but he hasn't seen anything yet.

Mrs. Douglas responded but was inaudible.

## **Old Business**

### **A. Subdivision/Land Development Plans**

#### **1. R. Samuel Keens – Preliminary/Final Subdivision and Land Development Plan - 850 Keens Road – Zoned Agricultural.**

Present representing this Preliminary/Final Subdivision and Land Development Plan was Mr. Mark Deimler, Strausser Surveying and Engineering.

Mr. Deimler stated that this plan has been revised and the comments are narrowed down and that the only issue remaining is for a resolution to the waiver request for roadway improvements along Keens Road and John Landis Road.

Mr. Deimler indicated that, in response to the Planning Commission suggestion for vacating Keens Road, Mr. Keens response was favorable; however, the adjoining Amish neighbors were not in agreement to abandon this road.

Mr. Deimler indicated that another option the Planning Commission suggested was to look at the possibility of posting a 50% fee-in-lieu of roadway improvements. Mr. Deimler indicated that Mr. Keens would be willing to post such fee minus any curbing and sidewalk expense along Keens Road and minus sidewalk along John Landis Road.

Mr. Sturla indicated that since the December Planning Commission Briefing Meeting, additional discussions were held with public works in regards to the fee-in-lieu of approach.

Mr. Sturla indicated that the fee-in-lieu of is not being embraced by staff and that the latest suggestion is to have Keens Road and John Landis Road reconstructed to provide at least 12-foot travel lanes while relieving the applicant of any curbing and sidewalk.

Mr. Sturla indicated that the ordinance would require Keens Road to be reconstructed to a 34-foot full width and John Landis Road to a 19-foot centerline width.

Mr. Deimler asked if they would have to provide stormwater measures to address the additional paving.

Mr. Sturla indicated yes and indicated that the Planning Commission respects that this property is located in the Agricultural District but at the same token this property is used for a truck trailer business, so their concern is for the truck traffic traveling on these roads, therefore, the planning members thought it would be appropriate to improve those roads a little bit.

Mr. Deimler indicated that he feels that the property owner will agree to this suggestion and thought that cost wise, it will probably be better or similar to the other items discussed.

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

On a motion by Mr. Gibeault, seconded by Mrs. Hollinger, it was recommended to approve this plan and modifications subject to the applicant reconstructing Keens Road and John Landis Road in order to provide 12-foot travel lanes and that the stormwater basin improvements include a conveyance system to properly convey the runoff to the northern side of the roadway.

**Motion Approved 7-0.**

**2. The Oaks II - Preliminary/Final Land Development Plan - 1640 Crooked Oak Drive - Zoned I-1 Industrial.**

Present representing this Preliminary/Final Land Development Plan was Mr. Tom Mattesson, Diehm & Sons, Inc.

Mr. Mattesson indicated that this project site consists of 3.3 acres, located on the cul-de-sac of Crooked Oak Drive and that the plan consists of a 3-story office building.

Mr. Mattesson provided a brief overview of the plan and discussed the requested modifications.

Mr. Mattesson indicated that the majority of the plan comments have been addressed and that the comments remaining pertain to final plan requirements.

Mr. Sturla stated that he is not in favor of the request for a modification to use monolithic curbing and sidewalk on the site.

Mr. Mattesson indicated that the applicants are proposing the monolithic curbing and sidewalk to avoid tripping hazards and that the maintenance would lie completely on the property owner.

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

On a motion by Mr. Gibeault, seconded by Mr. Rathman, it was recommended to deny the modification request of Section 804.2 for the use of monolithic curb and sidewalk and approved the plan and remaining modifications contingent upon a clean review letter.

**Motion Approved 7-0.**

**B. Rezoning/Text Amendment/Conditional Use/Ordinances**

**1. Hurst Enterprises - Text Amendment Petition to amend the Manheim Township Zoning Ordinance to permit Agricultural Composting activities in the Agricultural Zoning District.**

Present representing this Text Amendment Petition was Mr. Aaron Marines, Blakinger, Byler & Thomas; Mr. John Williamson, TeamAg; Mr. Loren Martin, Terra Gro; Mr. George Hurst and Mr. Chad Hurst, applicants.

Mr. Marines indicated that a full presentation of this proposal was provided to the Planning Commission at the November meeting and asked the Planning Commission if there were any questions.

Mr. Reed asked how much truck traffic would be going in and out of the site with product.

Mr. Loren Martin responded from the audience but was inaudible.

Mr. Reed asked if there are screening requirements.

Mr. Marines indicated that the same screening required now in the Zoning Ordinance for Agricultural uses, is the same requirement in this amendment.

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

On a motion by Mr. Wolf, seconded by Mr. Reed, it was recommended to approve this text amendment request.

**Motion Approved 7-0.**

**Public Hearing is scheduled for January 12, 2009.**

**2. Charter Homes at Grandview Inc. - Rezoning Petition - New Holland Pike, Pleasure Road and Esbenshade Drive - Request to change zoning of property from R-2 Zone to R-3 Zone.**

Present representing this rezoning request was Mr. Rob Bowman, Mr. Jamie Brubaker and Mr. Jim Shultz, Charter Homes.

Mr. Bowman indicated that since last month's meeting, they had met with the residents of Grandview and that they are proposing a deed restriction to restrict the development of the property to certain uses such as single family dwellings.

Mr. Bowman indicated that this deed restriction is for the benefit of the 15 adjoining property owners and that the Township would not be in a position to have to enforce or be responsible for the deed restriction.

Mr. Bowman continued but was inaudible due to lack of using the microphone.

Mr. Sturla asked what would the maximum build out would be based on this deed restriction.

Mr. Bowman indicated that it would restrict them to 75 units.

Mr. Sturla asked if the deed restriction states that only 75 units can be built.

Mr. Bowman indicated that the quantity needs to be added to the deed restriction.

Mr. Gibeault questioned if the applicant ever visited the option of utilizing Transferable Development Rights (TDRs) under the current R-2 zoning in order to be able to increase the density as discussed at the November Planning Commission meeting.

Mr. Bowman indicated that they looked into it and that based on the TDRs selling for \$10,000-\$12,000 per TDR, the total cost for TDRs needed would be between \$250,000-300,000 and that such an amount would then have to be deducted from the purchase price which would be deducted from the proceeds to benefit the school.

Mr. Sturla asked for public comment.

*Patron #1: Mr. John Briner, 1011 Pleasure Road*

*Mr. Briner questioned how the number of TDRs needed is figured out.*

Mrs. Douglas indicated that a base site plan is looked at and the density is determined by what could be built conventionally and then a separate layout of what could be built utilizing TDRs, with reduced lot sizes, is established.

*Patron #2: Mr. Ed Garrity, 704 Mc Grann Boulevard*

*Mr. Garrity questioned why the applicant doesn't maintain the existing R-2 zoning and go for zoning variances in order to reduce the risk on the developer and the owner as well as maintain the existing risk level that the Grandview Heights residents have. Mr. Garrity indicated that it would be in the better interest of the entire community to work together on this and questioned if that was an option because such option would then eliminate the need for TDRs.*

Mrs. Douglas indicated that use variances do not happen and in order to succeed with approval for variances, a hardship would have to be proved, which in this case, there is not any hardship.

*Mr. Garrity questioned if the deed restrictions are enforceable and who would the onus fall onto.*

Mr. Sturla indicated that it would be the individual landowners and that they would have to put up their own money to take the developer to court if the deed restriction is violated.

*Mr. Garrity indicated that he felt that would put an undue burden on the property owner and questioned if the covenant would be binding on multiple successors.*

Mr. Bowman responded but was inaudible.



*Patron #3: Mr. John Hershey, 1005 Pleasure Road*

*Mr. Hershey indicated that he is one of the adjoining property owners and that he is following up with legal counsel for review of the draft deed restriction.*

Mrs. Douglas indicated that if the rezoning would be successful and a future plan submission would meet all of the requirements of the Township Ordinances, then the plan would have to be approved. Mrs. Douglas indicated that the Township cannot dispute a deed restriction or hold up a plan for such restriction between developer and property owner(s).

Mr. Bowman spoke but was inaudible.

There were several other patrons that spoke out of the audience, but were inaudible.

Further discussions took place regarding the proposed Deed Restriction.

Mr. Sturla indicated that the Township cannot defend or be legally responsible for Deed Restrictions.

Mr. Sturla asked Mr. Bowman if he would have this deed restriction agreed upon by the adjoining owners and have it properly executed and recorded between now and the January 12, 2009 public hearing.

Mr. Bowman and Mr. Brubaker indicated yes.

Mr. Wolf stated that even without the deed restriction, he still thinks that this is the best plan for this property when compared to what could go on this property, such as a Planned Residential Development.

Mr. Gibeault indicated that the Planning Commission's recommendation must be based on merits and if it makes sense, not based deed restrictions, and that the draft Future Land Use Map of the Comprehensive Plan shows this property as having a medium-high density designation.

There were no further comments.

On a motion by Mr. Gibeault it was recommended to deny this rezoning request. Motion died due to the lack of a second.

On a motion by Mr. Rathman, seconded by Mr. Wolf, it was recommended to approve this rezoning request.

**Motion Approved 6-1, with Mr. Gibeault opposed.**

**Public Hearing is scheduled for January 12, 2009.**

**3. Charter Homes at Grandview Inc. - Rezoning Petition - New Holland Pike and Route 30 - Request to change zoning of property from R-2 Zone to B-1 Zone.**

Present representing this rezoning request was Mr. Rob Bowman, Mr. Jamie Brubaker and Mr. Jim Shultz, Charter Homes.

Mr. Bowman spoke but was inaudible due to the lack of using the microphone.

Mr. Martin asked if the size of the development as shown on this plan is fixed based upon what is permitted by either access or land use.

Mr. Bowman indicated that the Highway Occupancy Permit will determine that based on the access being limited by what the traffic is.

Mr. Brubaker indicated that the issue will be a.m. peak hour trips and that based on the previous traffic studies, they have sized this to be about the top end of what they believe would be the square footage based on how many a.m. peak trips they could get out.

Mr. Brubaker stated that this has been the strain on this site the whole way through.

Mr. Reed indicated that he is concerned about how traffic gets in and out and where people would turn if there are only right turns.

Mr. Bowman indicated that they modified their original request from B-4, Business District down to B-1, Business District which limits the usage and would be the least amount of impact to the road system.

Mr. Rathman asked if the only way to further develop this property would be if PADOT would make global improvements to New Holland Pike because it would require full access to Route 23 to develop the remaining portion of the tract.

Mr. Bowman answered yes.

Mr. Wolf indicated that 14 acres of buildable land zoned B-1, at a rough square footage per acre of 8,000 square feet, comes up to over 100,000 square feet and that this plan is showing only 48,000 square feet.

Mr. Wolf stated that his concern is that whether it is a global improvement that would have to be made or if there is some mitigation that could occur to get the developer to the 100,000 square feet.

Mr. Brubaker indicated that the previous Planned Residential Development (PRD) request was for 118,000 square feet with almost two and half times more housing units and that they couldn't come close to paying a quarter of the

remediation that would have had to happen, therefore, it didn't work then and it wouldn't work now.

Mr. Brubaker indicated that if this was developed under R-3, Residential District, the queuing on Pleasure Road (turning left with this proposal) is already at the maximum, therefore, the Traffic Impact Study wouldn't be approved and would trigger Pleasure Road improvements.

Mr. John Hershey asked what the required open space would be for the site.

Mrs. Douglas indicated that there is a 35% open space requirement for the B-1 Business District.

*Patron #8: Mike Boomsma, 1113 Helen Avenue*

*Mr. Boomsma questioned if TDRs can be used for residential and non-residential uses.*

Mrs. Douglas indicated that TDRs can be used for non-residential uses when a Planned Commercial Development (PCD) is proposed, in which case this property would not meet the requirement of a minimum of 40 acres and that a PCD is only permitted in the I-1 Industrial District and the B-4 Business District.

*Mr. Boomsma expressed his concerns regarding the flow of traffic in respect to the right-in/right-out scenario especially with the narrowness of the roads through the Grandview neighborhood.*

*Mr. Boomsma indicated that he also had concerns regarding the necessity of more commercial space when there are so many vacant buildings in the Township.*

Further traffic discussions took place.

*Mr. Boomsma indicated that his other concern would be spot zoning since the zoning is Residential all around other than across the street at Burle.*

There were no further comments.

On a motion by Mr. Martin, seconded by Mrs. Hollinger, it was recommended to approve this rezoning request.

Motion Approved 5-2, with Mr. Rathman and Mr. Reed opposed.

**Public Hearing is scheduled for January 12, 2009.**

**New Business**

**A. Subdivision/Land Development Plans**

**1. 2363 Oregon Pike – Preliminary Subdivision and Land Development Plan - 2363 Oregon Pike (corner of Oregon Pike & Landis Valley Road) – Zoned B-3.**

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

Mr. Swiernik indicated that this project site is located at the existing Quality Inn hotel site located on the corner of Oregon Pike and Landis Valley Road.

Mr. Swiernik indicated that this plan consists of subdividing one lot off of the main tract to house a drug store and that a bank, convenience store, offices and retail would be located on the remaining parcel.

Mr. Swiernik indicated that there would be approximately 19,000 square feet of office use and 20,000 square feet of retail use.

Discussions took place regarding the traffic and roadway improvements to Oregon Pike and Landis Valley Road.

Mr. Gibeault asked how many gas pumps would be located at the convenience store.

Mr. Swiernik indicated that there would be 6 sets, 12 total pumps.

Mr. Swiernik indicated that additional land may be required to be obtained for extra right-of-way.

Mr. Reed questioned the need for curb and sidewalk along the frontage of the adjacent Universal Athletic Club parcel in light of a condition placed on their 2007 Lot Add-On plan.

Mr. Swiernik indicated that the applicants are coordinating with that property owner for those improvements.

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

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

**Motion Approved 7-0.**

**2. Garber Scale and Calibration - Preliminary/Final Land Development Plan - 520 East Oregon Road - Zoned I-3.**

Present representing this Preliminary/Final Land Development Plan was Ms. Linda Michels, David Miller and Associates and Mr. Jay Garber, applicant.

Ms. Michels presented a brief overview of the plan and Mr. Garber provided a brief history of Garber Scale and Calibration.

Mr. Garber indicated that traffic will be minimal with this project since most of the work is conducted out in the field versus on site.

Ms. Michels indicated that additional right-of-way is being provided along East Oregon Road in order to smooth out the curb radius with any future realignment/reconstruction of Airport Road.

Ms. Michels indicated that, in addition to Garber Scale operations, there will be self storage units on site and a 1,500 square foot office area within the building which will be a leased space.

Stormwater management discussions took place.

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

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

**Motion Approved 7-0.**

**Public Comment**

There was no additional public comment.

**Adjournment**

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

Motion approved 7-0 and the meeting adjourned at 10:00 p.m.

The next Regular Planning Commission meeting is scheduled for Wednesday, January 21, 2009 at 6:30 p.m.

Respectfully submitted,

Shannon L. Sinopoli