

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

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

**Roll Call**

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

**Minutes**

Mr. Gibeault asked for a motion on the August 20, 2008 meeting minutes.

On a motion by Mr. Wolf, seconded by Mr. Reed, it was recommended to approve the August 20, 2008 meeting minutes.

**Motion Approved 6-0.**

**Old Business**

**A. Development Plans**

**1. Stonehenge Reserve - Preliminary Subdivision/Land Development Plan - Northwest corner of Fruitville Pike and Koser Road - Zoned R-1 with TDR Option.**

Present representing this Preliminary Subdivision/Land Development Plan was Mr. Eric Hershey and Mr. Christopher May, Herbert Rowland & Grubic and Mr. Mark Will, JPM Group.

Mr. Hershey provided updates since the August Planning Commission and indicated that a meeting with staff was held in order to bring closure to the issue of the right-of-way area along Fruitville Pike for future roadway improvements.

Mr. Hershey indicated that a 19-foot easement was agreed upon to be reserved along the Fruitville Pike frontage, twelve feet for the right-of-way and seven feet for the sidewalk and grass strip.

Mr. Gibeault questioned the necessity for a fountain to be installed in the stormwater basins to prevent stagnation.

Mr. Hershey indicated that the fountain details will be added to the plans.

Mr. Gibeault asked why the applicants are proposing to keep the sidewalk where it was previously proposed in light of providing the additional 12-feet of right-of-way because, if and when the Township decides to make the future roadway improvements, the Township, at its expense, will have to rip out the existing sidewalk, construct new sidewalk and disturb the existing residents.

Mr. Gibeault stated that it would make more sense to put the sidewalk in where it should be now so that the Township doesn't have to jump through hoops in the future.

Mr. Will stated that the issues with the 16-feet from curb to where the sidewalk would start would be the safety of the grass area since typical sidewalk construction consists of curb, 3-4 feet of grass area, sidewalk and then the yard.

Mr. Will indicated that if they construct the sidewalk 16-feet off of the curb, he feels that the homeowners will be utilizing that grass area and with the inability to fence it, he believes there is a safety concern.

Mr. Will indicated that he realizes that if the Township ever utilizes the dedicated right-of-way, the sidewalk would have to be reconstructed, but for the period of time that it's constructed now until the future, he felt that the issue of safety should be thought through now.

Mr. Gibeault indicated that there are plenty of other yards that back up to Fruitville Pike and where the yards come right up to the roadway.

Mr. Will continued but was inaudible.

Mr. Gibeault stated that the size of the proposed lots were created by the applicants design and the fact that the lots are small now and that they may feel even smaller if the sidewalk is pushed back, is a self imposed condition.

Mr. Will stated that he doesn't have an issue with the sidewalk being there, he felt that over time it may be awkward seeing the 16-foot strip.

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

On a motion by Mr. Rathman, seconded by Mrs. Hollinger it was recommended to approve this plan and modifications conditioned upon the applicant securing the additional five transferrable development rights; relocating the sidewalk out of the right-of-way and securing it in a 7-foot wide easement area and the applicant providing circulation detail methods within the detention basins to address stagnation of water and contingent upon a clean review letter.

**Motion Approved 6-0.**

**2. Manheim Township High School - Revised Final Land Development Plan - Fieldhouse - 2759 Lititz Pike - Zoned R-3.**

*\*\*Note: Planning member Donald Reed recused himself from plan discussions.*

Present representing this Revised Final Land Development Plan was Ms. Kara Kalupson, ELA Group.

Ms. Kalupson provided an update of the revised plan and indicated that the outstanding comments are of administrative nature.

Ms. Kalupson indicated that they were seeking two modifications. One for plan size and one for relief from posting financial security. Ms. Kalupson indicated that both of these requests were granted with the 2005 approved plan.

Ms. Kalupson indicated that there have been concerns raised by Dr. Bashore, 220 Valley Road in regards to stormwater runoff from the previously approved plan and that she was aware that the school district has been trying to work out a solution with Dr. Bashore.

There were no further questions by the planning members.

Mr. Gibeault asked for public comment.

**Patron #1- Dr. Robert Bashore, 220 Valley Road**

Dr. Bashore stated that he was not present to disagree about the fieldhouse, because he thinks that it will be a good thing to have, however, he advised that there is litigation between the school district and himself concerning the runoff from the preceding project and he felt that it wasn't wise to approve this plan until that issue is resolved.

Dr. Bashore indicated that the water from his property is the beginning of Landis Run and that there is a spring that comes across 10 feet onto his property.

Dr. Bashore stated that during the July 25<sup>th</sup> storm, the water encroached onto his property within a couple inches of his buildings and that a gentleman far down on Shaub Road couldn't believe the amount of water that was coming down Landis Run.

Dr. Bashore stated that he was respectfully hoping that this plan would be tabled until the other issue is resolved.

Mr. Gibeault thanked Dr. Bashore for his comments.

Mr. Gibeault asked for any additional public comment. There was no response.

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

**Motion Approved 5-0.** (with Mr. Reed abstaining).

## **New Business**

### **A. Rezoning/Text Amendment/Conditional Use/Ordinances**

#### **1. Wetherburn Commons Town Center - Conditional Use Request - Fruitville Pike and Koser Road - Zoned R-3.**

*\*\*Note: Planning member Robert Wolf recused himself from plan discussions.*

Present representing this Conditional Use Request was Mrs. Caroline Hoffer, Mr. Michael O'Brien, Wetherburn Town Center, LP and Mr. Kerry Eck, Giant Food Stores.

Mrs. Hoffer noted that the proposed text amendment for the center sign has been withdrawn and instead, has been combined with this conditional use request.

Mr. Eck presented planning members with the latest drawing for the signs proposed for the convenience store, "Giant To Go".

Mr. Eck indicated that there are two signs proposed on the main building, one on the front of the building above the entrance facing south and one smaller sign on the side of the building facing east.

Mr. Eck indicated that the sign on the front of the building is proposed to be 30-square feet, which exceeds the 24-square foot maximum and the request also includes to allow the lettering to exceed the 8-inch maximum height.

Mr. Eck stated that this sign will be lit by external lighting and will not be backlit.

Mr. Eck indicated that the sign on the side of the building meets the 24-square foot requirement, however, they are asking that this sign also be permitted to exceed the 8-inch maximum letter height.

Mr. Eck stated that this sign will be illuminated by two goose-neck lights above it aiming down towards the sign.

Mr. Eck advised that they are proposing 2 canopy signs, placed on two sides, one south facing and one west facing.

Mr. Eck indicated that both canopy signs are 18-square feet individually (2-feet by 9-feet each).

Mr. Gibeault asked what type of lighting is proposed around the canopy, the signs and the pumps.

Mr. Eck indicated that they are proposing to mount exterior lights which are turned and aimed down illuminating just the "logo" itself, not the "Giant To Go" wording.

Mr. Eck advised that the underside of the canopy is shown in white, but there are other options and that the lighting underneath it is flush mounted, if not recessed.

Mr. Eck stated that pumps will have a minimal amount of lighting at the top of the pump and just the faces themselves.

Planning members felt that the building signage was appropriate, however, the total amount of signage (with the canopy, the pumps and the center sign) seemed a bit excessive.

Mr. Obrien presented the planning members with the latest proposal for the center sign of the commercial component.

Mr. Obrien indicated that, in response to the Planning Commission's comments from the August meeting, they are now proposing a sign which focuses more on the commercial development name (Richmond Square) and limiting the rest of the sign for accommodations of only the five major tenants.

Mr. Obrien advised that the overall size of the sign, including the foundation, would be 7-foot high by 10-foot wide.

Mr. Obrien presented a site plan showing a perspective of what the buildings would look like in comparison with the scale of the sign as it would relate to the development and the size of the buildings.

Mr. Reed questioned what type of lighting they were proposing for the fuel price due to the constant need for updating the price.

Mr. Obrien indicated that an electronic scrolling sign is proposed that is attractive and would fit inside the placard of the overall piece.

Mr. Obrien indicated that the light for the scrolling sign will be integrated into the sign, externally lit and illuminated from around the frame, so the lighting will never be seen.

Mr. Reed stated that he is pleased with everything the applicant has presented to the planning members and that it has always been first class.

Mr. Gibeault commended the applicant on the overall development and appreciated the communication between the developer and the Township.

Mr. Gibeault asked for public comment.

Patron #1- Mr. Jeffrey Kay, 600 Randolph Drive

Mr. Kay indicated that when this development first came to fruition about eight years ago, certain promises were made by the Planning Commission and the Board of Commissioners that certain aesthetics, lighting and other considerations would be taken into account and kept in a residential development sense.

Mr. Kay stated that he appreciates the planning members' efforts to ensure that those certain standards were happening.

Mr. Kay stated that this is a residential development and will restrict the store hours, and questioned if the lights on the sign would be lit up for 24 hours or if they will get turned off when the store closes.

Mr. Eck indicated that the lights will be turned off when the store closes.

Mr. Kay suggested that the Giant sign on the Richmond Square center sign be changed to a brick red color to keep in contrast with the Richmond Square red and the other colors.

Mr. Eck advised that he will take that into consideration.

On a motion by Mr. Wolf, seconded by Mr. Rathman it was recommended to table this conditional use request.

**Motion Approved 5-0.** (with Mr. Wolf abstaining).

**Public Hearing scheduled for November 10, 2008.**

2. **Robert Lepore - Text Amendment - Shreiner Station Road and McGovernville Road - Request to amend the Manheim Township Zoning Ordinance (Wholesale Uses) - Zoned I-2.**

Present representing this Text Amendment Petition was Mr. Sandy Kime, David Miller/Associates.

Mr. Kime indicated that Mr. Lepore owns a 2.8 acre parcel of ground in the I-2 Industrial District along McGovernville Road next to Route 283 and adjacent to the recently built Moove In Partners Mini Warehousing.

Mr. Kime indicated that a potential user of the parcel approached Mr. Lepore inquiring about placing a wholesale sales facility on this site, however, they realized that a wholesale sales use is only permitted in the I-1 Industrial District and not the I-2 District.

Mr. Kime indicated that he spoke with Sam Maurer, Assistant Township Zoning Officer and indicated that they would like to propose equipment rentals. Mr. Kime stated that Mr. Maurer classified the use as wholesale sales but that there was also some retail component to the proposal.

Mr. Kime indicated that his client's proposal consists primarily of rentals that Mr. Maurer considered rentals to be the same as retail sales.

Mr. Kime stated that they are proposing to amend the definition of wholesale sales to include the rental function and, in addition, overlap between wholesale sales and retail sales to allow for a portion of the use for retail so that it's not totally excluded.

Mr. Kime stated that in light of the retail component, they are proposing to add the phrase, "but not excluding retail sales and/or rentals which comprise less than half of the business activities or revenues".

Mr. Kime indicated that the second part of the petition is to list wholesale sales as a permitted use in the I-2 Industrial District.

Mr. Kime presented the Planning Commission with a comparison chart outlining the permitted uses in the I-1 and I-2 Industrial Districts. Mr. Kime indicated that the intents of both districts were very similar.

Mr. Kime indicated that the proposed use would primarily be heavy equipment rentals for commercial and industrial users and an outside storage component.

Mr. Reed expressed his concern regarding the retail sales language and what would prohibit the owner to take 10,000 square feet of the building and lease it to another party that sells/rents a product that is very different and 100% retail, such as having a Secret Sneaker on one side and a heavy equipment rental on the other side.

Mr. Kime indicated that any use that they would put in there, and a leasehold would be a separate use, would have to comply with all of the other zoning requirements.

Mr. Reed responded by indicating that 51% could be wholesale use and then 49% could be retail.

Mr. Kime indicated that the wholesale use would have to be the primary portion of this business.

Mr. Wolf questioned the necessity for connection to public sewer and water.

Mr. Kime indicated that they will be connecting to an existing sewer line under the railroad and extending the waterline that runs along Route 283.

Mr. Gibeault asked for any additional public comment. There was no response.

Mr. Wolf stated that he felt this proposal is an extension of the existing ordinance and was not a drastic change.

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

**Motion Approved 6-0.**

**Public Hearing scheduled for November 10, 2008.**

**3. Kissel Hill Commons PRD - Conditional Use Request - Farnum Road and Kissel Hill Road - Zoned R-2.**

*\*\*Note: Planning member Robert Wolf recused himself from plan discussions.*

Present representing this Conditional Use request was Mr. Gregory Strausser, Strausser Surveying and Engineering and Mr. Robert Wolf, applicant.

Mr. Strausser provided a background of the Kissel Hill Commons Planned Residential Development (PRD) and the commercial component thereof.

Mr. Strausser indicated that this particular PRD differs from the other PRDs in the Township in light of the commercial core being tucked back within the PRD, 450-feet away from the main roadway entrance.

Mr. Strausser indicated that, with the other PRDs, commercial components are located much closer to a main arterial road or access where vehicle trips per day can generate 10,000-15000 trips per day, whereas, the Kissel Hill Road may generate only 4,000-5000 vehicles per day.

Mr. Strausser stated that because of the location, the commercial component has minimum visibility and that in order to make the commercial users viable, a commercial directory sign is being proposed in conjunction with the existing development sign.



Mr. Strausser indicated that, in response to the planning members suggestions at the briefing meeting, the applicant is proposing that signage be incorporated within the existing signage, or in very close proximity, and that they are now looking for direction or suggestions from the planning members on how best to design their proposal within the existing configuration.

Mr. Strausser indicated that in order to avoid overcrowding of the commercial signage, they were leaning towards placing equal signage between the two existing signs.

Mr. Strausser stated that while looking into different options, particularly the possibility of extending the existing signage by adding another panel, two issues came into play. One was the necessity to remain outside of the clear sight triangle and the second was an existing non-motorized path located directly adjacent to one of the existing signs.

Mr. Strausser indicated that the bike path is in an easement and that just outside of the easement, on the other side, is a detention basin and grading, therefore, the bike path cannot simply be moved.

Planning members felt that the existing signage was architecturally pleasing, however, some felt that the plaque for the Kissel Hill Commons Development was a bit small in proportion with the proposed commercial signage. Mr. Gibeault felt that it was out of balance and that the actual PRD Development sign should be more of the focus of the site.

Mr. Strausser indicated that the applicants are at a challenge with trying to take and work with the existing space that is dedicated for the shops and offices and would like to get some direction from the Planning Commission.

Planning members recommended that the applicant proceed with working with the existing signs and maybe work with the colors of the sign and possibly enlarge or change the color to express the development sign over the commercial signage.

On a motion by Mr. Rathman, seconded by Mr. Reed it was recommended to table this conditional use request.

**Motion Approved 5-0.** (with Mr. Wolf abstaining).

**Public Hearing scheduled for November 10, 2008.**

**4. Manheim Township - Text Amendment - Request to amend the Manheim Township Stormwater Management Ordinance (Geologic Analysis).**

Presenting this text amendment petition was Mrs. Shannon Sinopoli, Township staff.

Mrs. Sinopoli indicated that this amendment is brought about at the request of the Commissioners due to some recent requests for modifications for some of the smaller stormwater management plans.

Mrs. Sinopoli stated that the current language in the Stormwater Management Ordinance permits only a Professional Geologist (PG) to sign and certify areas underlain by carbonate geology and to conduct evaluations of such areas, which creates additional review time and expense, especially when it may just be a plan for a small shed or a patio addition.

Mrs. Sinopoli stated that there are Professional "Engineers" (PE) who have the credentials and experience with carbonate geology and the testing thereof, who could also be capable of conducting the evaluations and providing the necessary certifications.

Mrs. Sinopoli indicated that this proposed amendment consists of simply adding the word "engineer" after the existing word "geologist" in five sections of the ordinance.

Mrs. Sinopoli stated that whether it is a PG or a PE that signs and seals the plans, all geological reports get reviewed by the Township's Geologist at C.S. Davidson.

Mrs. Sinopoli advised that the public hearing for this text amendment has been set for November 10, 2008 at 7:30pm here at the Township Offices.

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

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

**Motion Approved 6-0.**

**Public Hearing scheduled for November 10, 2008.**

### **Public Comment**

Mr. Jeffrey Sholly, 1115 John Landis Road.

Mr. Sholly provided planning members with a section of the Warwick Township's Zoning Ordinance regarding Accessory Uses, particularly concerning Alternative energy sources such as wind turbines.

Mr. Sholly stated that he owns a 1.7 acre parcel along John Landis Road in the middle of the Agricultural District.

Mr. Sholly indicated that he would like to construct a wind turbine on his property but came to find out, through the Zoning Office, that the ordinance does not permit, or doesn't address, such type of alternative energy source.

Mr. Sholly advised that he sought a Zoning variance for such structure and to exceed the maximum height of 35-feet. Mr. Sholly indicated that the Zoning Hearing Board denied his request because, although he is in the Agricultural District, the Zoning Hearing Board felt that if they gave him a variance and the next person, who is in the residential district, wants the same, then there really isn't any guidance at this point in time to cover wind turbines and wind turbines would not necessarily work well in a residential development.

Mr. Sholly indicated that it was then suggested to him to approach the Planning Commission and the Board of Commissioners and possibly introduce a request for an ordinance text amendment that would permit alternative energy sources.

Mr. Sholly indicated that Warwick Township has some wind turbines and that they have language in their ordinance to permit such alternative energy sources.

Mr. Gibeault asked how high the wind turbine would be.

Mr. Sholly indicated that the heights range and of course the higher you are able to go, the better off you would be because you would be up in continuous wind. Mr. Sholly stated that, after talking with a gentleman concerning wind turbines, it was suggested that a minimum tower for his property should be 50 feet.

Planning members suggested that Mr. Sholly attend the tentatively scheduled November 11, 2008 Comprehensive Plan meeting which would be good for him to listen as to what is being proposed and possibly obtain additional direction from there as to how he might get his request into the ordinances as they change over the next two years.

Staff indicated that if Mr. Sholly did not wish to wait for ordinance updates, he could certainly petition for a text amendment now.

Mr. Sholly was directed to contact staff if he wishes to proceed with a text amendment.

### **Adjournment**

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

Motion approved 6-0 and the meeting adjourned at 9:55 p.m.

The next Regular Planning Commission meeting is scheduled for Wednesday, October 15, 2008 at 6:30 p.m.

Respectfully submitted,

Shannon L. Sinopoli