

**MANHEIM TOWNSHIP
PLANNING COMMISSION
MINUTES
Wednesday
November 28, 2007**

A meeting of the Manheim Township Planning Commission was held on Wednesday, November 28, 2007 at 6:30 p.m. The following members were present: Mr. Jeffrey Sturla; Mr. Michel Gibeault; Mr. Steven Geisenberger; Mr. Robert Wolf; Mr. Cory Rathman, Mr. Donald Reed and Mrs. Mary Ellen Hollinger. 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.

Announcement

Mr. Sturla announced that the Worthington Planned Residential Development plan, Brighton Commercial Lot 87 plan and the Montessori Academy plan have been removed from the agenda and would not be heard during this meeting.

Minutes

Mr. Sturla asked for a motion on the October 17, 2007 meeting minutes.

On a motion by Mr. Gibeault, seconded by Mr. Geisenberger, it was recommended to approve the October 17, 2007 meeting minutes.

Motion Approved 7-0.

Old Business

A. Comprehensive Plan Steering Committee update

Mrs. Douglas announced that the township held it's last of the four Listening Sessions on November 14, 2007 at Landis Homes.

Mrs. Douglas indicated that the next Steering Committee meeting is scheduled for Wednesday, December 12, 2007 at 7:00 a.m. and that the Steering Committee will resume meetings on the 4th Wednesday of the month beginning in January.

Mrs. Douglas advised that the community-wide survey results are posted on the Township website with a return of slightly over 20%.

Mrs. Douglas indicated that the Steering Committee will be focusing on future land use, transportation and housing sections of the plan during the early part of next year.

Mrs. Douglas noted that the Township website is www.manheimtownship.org.

B. Development Plans

1. Highland Presbyterian Church - Preliminary/Final Subdivision and Land Development Plan - 1801 Oregon Pike - Zoned R-2

Mr. Gibeault announced that he would be abstaining from discussions due to a conflict of interest.

Present representing this Preliminary/Final Subdivision and Land Development Plan was Mr. Darren Narber, Derck and Edson.

Mr. Narber indicated that staff comments have been addressed since the last meeting and distributed revised plans to the planning members.

Mr. Narber indicated that two major revisions include two water quality areas to capture runoff into the current basin which is proposed to be slightly expanded and tweaked to meet the needs of the church and address staff comments.

Mr. Narber briefly discussed the modifications being requested.

Mr. Geisenberger asked if there has been any resolution between the church and the neighbors located across the street from the proposed relocated access drive in light of their concerns over vehicular headlights entering into their home.

Mr. Narber indicated that there was a meeting held with church members and the neighbors, however, the neighbors have not accepted the offer that the church had made.

Mr. Geisenberger questioned what specific landscaping measures the church has proposed.

Mr. Howard Livingston, representative of Highland Presbyterian Church indicated that the church did not get into specifics with the neighbors other than to advise that they would work with them on a landscaping screening plan for the neighbors with a professional designer with their approval and to their satisfaction.

Mrs. Hollinger asked why the church is proposing to move the existing driveway in the first place.

Mr. Narber explained that the current drive is approximately one hundred (100) feet to the south of the proposed location and that they have relocated it slightly to the north to provide an accessible route and to achieve the ADA required elevation of five percent (5%) or less and that this alignment helps to promote better traffic circulation throughout the site.

Mr. Narber further added that this location allows the applicant to create one major parking bay instead of several separate parking lots scattered throughout the site.

Mr. Rathman asked if any other designs were looked at for a driveway in the area of the current location.

Mr. Narber indicated that when they were in the schematic phase, they went through a number of design iterations for the site and one problematic issue with bringing the drive in from the existing location was that there was a very steep slope which would be an accessibility issue or if they were to bring the drive in at the five percent (5%) grade, it would require a number of ramps and stairs, neither of which would function well.

Mr. Narber indicated that other options were explored and that there are possibilities, however, there would be some configuration changes required and the location as proposed seems to function the best currently.

Mr. Sturla asked for public comment.

Patron #1: Wanda Parks, 521 East Roseville Road. Mrs. Parks advised that she resides at the home directly across from where the access drive is proposed to be relocated and reiterated her concerns from previous meetings about vehicle headlights entering into her home.

Mrs. Parks indicated that she was contacted by the church just two days ago and that she and her husband met with Mr. Livingston and Mr. Holtzapple from the church.

Mrs. Parks indicated that the church only offered her screening as a resolution to her concerns.

Mrs. Parks indicated that she suggested just leaving the access drive where it currently exists and to change the Oregon Pike access to a right out only exit.

Mrs. Parks stated that this project was started back in August and she felt that the church, lacking in coming to her until two days before the planning commission meeting, showed a lack of respect for the neighbors.

Mrs. Parks continued by quoting a section from the PA State Fish and Game Commission, "It is unlawful for any person to cast or to assist any other person in casting the rays of a spotlight, vehicle headlight or any other artificial light of any kind from any vehicle, watercraft, airborne craft or any attachment to such vehicles or crafts (1) Upon any building at anytime (2) In any manner which frightens, excites or harasses any livestock, poultry, etc. etc. etc."

Mrs. Parks said that there's more to the law, but that it is the law and that if the PA Fish and Game Commission finds it important enough to not have people putting spot lights into houses, she would also think that casting light into someone's front living room is harassment.

Mr. Narber indicated that if the access drive were to remain in its current location, trees would need to be removed in order to meet the clear sight triangle requirements.

Mr. Narber stated that conversations also occurred in regards to changing the Oregon Pike access to an exit only, but that the exit does not warrant a light and so the only potential possibility would be maybe a right turn out only, which could compound the problem. Mr. Narber also stated that there is a very steep slope along Oregon Pike which would require severe shaving off of the slope and trees removed, etc. in order to get safe sight distances.

Mr. Sturla asked the applicants if moving the driveway to the south would change any impervious areas or stormwater detention.

Mr. Narber answered that they would have to recalculate the stormwater basin.

Mr. Rathman, speaking in regards to the relocation of the proposed drive to the south of the existing drive, stated that if the drive itself isn't the issue, as far as the grade, and it's just the actual walkway from the road to the church that's the issue in order to meet the five percent (5%) or less requirement, would there be any way to put internal ramp systems with landings in to accomplish meeting that requirement and leaving the access point where it exists.

Mr. Narber said it could be done but the Township has a requirement that the walkway must be adjacent to the road.

Mr. Sturla suggested the idea of keeping the sidewalk where it is proposed in order to meet the 5% requirement and shifting the access drive away from the sidewalk towards the south as it currently exists.

Mrs. Douglas indicated that such proposal would trigger an additional modification which would need to be requested since Section 803.8.L has a requirement that sidewalks shall be adjacent to access drives.

All planning members were in agreement with shifting the access drive to the south and keeping the sidewalk in the proposed location.

Mrs. Douglas indicated that before this plan can be finally approved, will need a re-review by the Township engineer from a technical standpoint to make sure that the new proposal will not create any stormwater issues.

On a motion by Mr. Geisenberger, seconded by Mr. Rathman, it was recommended to approve the modifications, with the additional modification of Section 803.8.L, and to approve the plan contingent upon the applicant shifting the access drive and upon a clean review letter.

Motion Approved 6-0, with Mr. Gibeault abstaining.

2. Covenant Crossing At Brethren Village – Preliminary Land Development Plan – Lititz Pike – Zoned IN

Present representing this Preliminary Land Development Plan was Mr. Dave Madary, Derck and Edson and Mr. Phil Hollinger, Brethren Village.

**Note: Tape recorder malfunctioned throughout this presentation; therefore, the following minutes reflect notes taken by township staff.*

Mr. Madary indicated that this is the final plan to the recently approved preliminary plan and that all comments have been addressed.

Mr. Madary indicated that there were additional modifications being requested which have been provided to the planning members.

Mr. Madary stated that the following modifications are being requested with this final plan submission: (1) a modification from having to pay a park and recreation fee for the nursing and assisted living units as well as a credit towards the independent dwelling units being removed from the site. (2) A modification to permit an application for the Traffic Impact Fee reduction. (3) A modification, previously granted with the Preliminary plan, allowing the final plan to be recorded on December 12, 2007 prior to receiving a Highway Occupancy Permit from PADOT in order to secure funding on December 12, 2007. (4) A modification of the emergency spillway. (5) A modification to allow the existing trees to remain within clear sight triangles.

Mr. Gibeault asked if the applicants had any expectation of receiving the Highway Occupancy Permit prior to December 12, 2007.

Mr. Madary indicated that they do anticipate such, but that it's hard to tell.

Mr. Sturla stated that the Township has already received a second similar request and that he doesn't want to see a precedence being set and by making an exception for this plan puts the Township in the position to have to grant it for everyone else.

Mr. Sturla asked Mr. Madary to explain what he meant by "net" units for the Park and Recreation fee modification request.

Mr. Madary stated that the applicants wish to pay the park and recreation fee for the proposed net units which will occur after demolition of existing and construction of the new units takes place.

Mr. Geisenberger provided an example that if fifteen (15) apartments were in existence and a developer came through and decided to demolish the apartments and build fifteen (15) single family dwellings, the developer wouldn't have to pay any park and recreation fee since there was no increase in dwelling units.

Mr. Hollinger provided the planning members with an exhibit breaking down the units existing, proposed and proposed for removal. Mr. Hollinger asked why a net amount would not be reasonable.

Mr. Sturla and Mr. Geisenberger indicated that they are not saying it's not a reasonable request, more so that the request isn't in accordance with the language of the ordinance which requires all new dwelling units to comply.

Mr. Geisenberger stated that he felt excluding the assisted living units from the park and recreation fee was certainly a reasonable request, but that in light of the language stating new dwelling units and with the language not providing for credits for units removed, he felt that there should be two separate requests from that section of the park and recreation fee requirements.

Mr. Sturla asked for public comment.

There was no response.

On a motion by Mr. Geisenberger, seconded by Mr. Reed, it was recommended to: deny the modification for a park and recreation credit for the removal of existing units; approve the HOP modification request with the condition that the owner/applicant not being able to pull a building permit until the HOP is received; approve the request for an impact fee reduction conditioned upon the applicants full compliance with the provisions of the developer's waiver application and approve the remaining modifications and plan contingent upon a clean review letter.

Motion Approved 7-0.

New Business

A. Rezoning/Text Amendment/Conditional Use/Ordinances

1. Berkshire Development LLC – Planned Commercial Development – Conditional Use Request - Granite Run Drive – Zoned I-1 Industrial.

Present representing this Preliminary/Final Land Development Plan was Mr. Charlie Suhr, Attorney, Stevens and Lee; Mr. William McCollum, Berkshire

Development; Mr. Steve Horst, property owner; Mr. Dave Madary, Derck & Edson; Ms. Jodie Evans, McMahon Transportation Engineers and Mr. John Rufo, Arrowstreet Architecture.

Mr. Suhr indicated to the planning members that this Conditional Use submittal is basically a revised version of the previous request submitted earlier in the year and then withdrawn due to the concerns of the Planning Commission.

Mr. Suhr indicated that, in response to the planning member's earlier concerns and suggestions, the applicants are submitting a new request which will hopefully be more accepted by the Planning Commission.

Mr. Suhr stated that, with the abandonment of Carrera Drive, the right-of-way and the addition of some of the orthopedic office building land, this latest submission meets the 40 acre minimum requirement without having to include the entire orthopedic office building.

Mr. Suhr turned over the presentation to Mr. Rufo.

Mr. Rufo presented a PowerPoint presentation for the planning members and audience. The presentation included proposals to try and address the majority of the concerns that the planning members had with the last submission.

Mr. Rufo noted some of the changes which would include the elimination of the mini-storage units; the removal of the orthopedic office building from the PCD; the modified site layout to include the realignment of Carrera Drive, end to end connections, parking dispersment and better pedestrian paths and green space areas throughout.

Mr. Rufo turned over the presentation to Mrs. Evans to update the planning members on traffic related items.

Mrs. Evans indicated that all of the previously proposed off-site improvements remain unchanged and are still being proposed with this current submission.

Mrs. Evans provided a slide show and description of the on-site improvements for the four proposed access points to include restricting the access drive at the daycare center to a right out only and eliminating the existing access drive currently utilized for the drive-thru bank.

Mr. Rathman asked how the access for the Hockey Ice Rink would work.

Mr. Horst said he is working with the rink and discussing the access agreement.

Mr. Madary indicated that an access easement agreement would be required.

Mr. Rathman questioned the amount of tractor trailer traffic that would be going in and out of the site.

Mr. Madary pointed out the locations of the proposed loading docks, primarily to the eastern portion of the site which would avoid Main Street. Mr. Madary also indicated that the loading areas are being architecturally constructed to be aesthetically pleasing.

Mr. Madary indicated that with this latest submission, two (2) Transferable Development Rights (TDRs) per acre of impervious will be necessary and that a draft agreement is already in the works for the thirty-six (36) TDRs which will be required.

Mr. Madary stated that the proposed plans meet all ordinance requirements except for two zoning ordinance requirements for which the applicants will need variances on. One of the variances necessary is relief from providing a 30 foot improvement area which would only apply to the small area in front of the ice rink and the daycare parking.

Mr. Sturla asked for public comment.

Mr. Mark Hackenburg, RGS Associates stated that he was present on behalf of Mr. Dan Melchiorre, property owner of Lancaster Dodge on Manheim Pike.

Mr. Hackenburg advised the planning members that, with his lot being a downstream neighboring lot, Mr. Melchiorre has concerns with any upstream proposals in light of his past flooding experiences and just wanted to voice this concern so that the stormwater management is dealt with thoroughly during the land development stage.

The planning members acknowledged Mr. Hackenburg and thanked him for his comments and concerns.

Mr. Sturla congratulated the applicants for listening to their prior concerns and coming back with a plan that now implements and addresses those concerns.

The planning members all agreed with Mr. Sturla and indicated that they felt that this plan now represents what a Planned Commercial Development was intended to look like.

On a motion by Mr. Geisenberger, seconded by Mr. Gibeault, it was recommended to table this Conditional Use request.

Motion Approved 7-0.

C. Sketch Plans

1. Landis Homes Retirement Community - Sketch Plan - East Oregon Road - Zoned IN.

Present representing this Preliminary/Final Land Development Plan was Mr. Mark Hackenburg, RGS Associates; Mr. Ben Ehrhart, Land Studies and Mr. Linford Good, Landis Homes.

Mr. Hackenburg briefed the planning members on this proposed sketch plan for the expansion of Landis Homes onto forty-five (45) of the one hundred, fourteen (114) acres of vacant land located on the southern end of the parcel.

Mr. Hackenburg indicated that this expansion would include the addition of seventy-two (72) independent apartment units and seventy (70) independent cottages.

Mr. Hackenburg discussed the long term growth issues that Landis Homes is projecting.

Mr. Hackenburg stated that there were a couple of items that they wanted to present to the planning members and obtain some direction from prior to moving forward with any final plans.

Mr. Hackenburg indicated that one of the main issues involves stormwater management and the proposal for a new approach to controlling stormwater within historic floodplains by a means referred to as Legacy Sediment Removal.

Mr. Hackenburg stated that this alternative stormwater control is recognized by the PA Department of Environmental Protection and has been approved at several other locations in Pennsylvania.

Mr. Ehrhart provided planning members with a background of the history of Legacy Sediment over the past several years and indicated that Land Studies has designed and permitted over twenty (20) floodplain restorations in Lancaster County and other areas of Pennsylvania and Maryland.

Mr. Ehrhart stated that some of the benefits of floodplain restoration and Legacy Sediment is increased groundwater recharge and more permeable surface.

Mr. Ehrhart indicated that, from a water quality standpoint, there is an infiltration component which is specifically addressed in the Best Management Practices (BMP) manual which lists floodplain restoration BMPs as being able to take credit for eighty-five percent (85%) total suspended solids removal, eighty-five percent (85%) total phosphorus removal and greater than thirty percent (30%) nitrate removal.

Mr. Ehrhart indicated that with the removal of sediment there would be a reduction in peak flow since the volume of sediment is flood storage and is currently being occupied by soil, by removing that volume of soil, a significant flood storage gets created that goes beyond just meeting the requirements for a particular site, but it can also start having regional stormwater benefits.

Mr. Ehrhart indicated that Landis Homes and RGS Associates have approached Land Studies to determine if Kurtz Run tributary, which runs through the Landis Homes site, would be a candidate for the Legacy Sediment approach and could it be feasible and done in a way that meets the Township ordinance requirements as well as all NPDES permit requirements.

Mr. Ehrhart indicated that he felt that the Landis Homes plan would be an ideal candidate for this type of proposal since there is approximately two thousand, eight hundred (2,800) feet of stream area running through the property and eroding the stream banks.

Mr. Ehrhart indicated that the sediment located on the site is approximately three and a half (3-1/2) inches deep which would equal twenty thousand (20,000) cubic yards of soil that should not be in the stream bed and if such sedimentation wasn't present, the infiltration rate within the stream would greatly increase.

Mr. Ehrhart stated that there is tremendous opportunities to gain benefit that will not only affect the Landis Homes site but it can also provide a benefit downstream at Route 272 and potentially alleviate some flooding issues.

Mr. Ehrhart indicated that, by looking at the Township Floodplain Ordinance, they are trying to figure out how this new approach would fit in with the Floodplain Ordinance and the Stormwater Management Ordinance.

Mr. Ehrhart indicated that there would be at least three modifications necessary: (1) Water Quality Volume; (2) 48" Vertical Separation; (3) 50% Peak Flow Reduction.

Mr. Ehrhart indicated that they would be able to show a reduction in the overall watershed peak flow to the downstream limits of the site.

Mr. Wolf stated that the proposed work would be to benefit your site and possibly sites downstream, but with no control of what happens upstream. Mr. Wolf questioned how long it would be until sediment is washed downstream and starts to fill everything back up that was removed.

Mr. Ehrhart answered that it took a very catastrophic event to create this current condition, so they certainly wouldn't expect those types of conditions to be repeated.

Mr. Ehrhart stated that the restored floodplain is designed to be a stable state where some sediment load can be transported through it.

Mr. Ehrhart indicated that he would expect a thin film to be normal, but in terms of a measurable accumulation it would be in terms of many decades, not years which is a function of the design.

Mr. Hackenburg added that Landis Homes would be subject to the very same stormwater maintenance agreements that would be present in a conventional stormwater basin, which could also receive additional sedimentation from upland drainage areas, therefore, the property owner would be held responsible for sediment removal and deposition removal should a situation arise and/or where it's apparent that there is heavy erosion or some contributing element from an upstream area.

Mr. Gibeault indicated that obviously removing twenty thousand (20,000) cubic yards of soil will cost money and questioned what benefits to the overall project were such as having a larger building area since conventional detention basins wouldn't be necessary.

Mr. Ehrhart answered that obviously you wouldn't have to put in conventional basins, therefore, there would be more functional and useable space which is certainly a benefit and the Legacy Sediment is more effective than a conventional basin.

Mr. Hackenburg indicated that this proposal provides more building area, however, Landis Homes has a significant erosion problem and will start running into problems with the existing stormwater basin because of the erosion if something isn't done to control the erosion on site.

The planning members agreed that the concept was a good idea, but wanted a more realistic picture of what Legacy Sediment entails and suggested that the applicant continue to work with staff and the Township Engineer which will provide feedback to the planning commission.

Mr. Hackenburg indicated that the applicants are proposing an Emergency Access point along Jake Landis Road.

Mr. Hackenburg indicated that there is an existing, on-site bridge that straddles over the floodplain in order to access the southern portion of the site and the applicants realized that a second point of ingress and egress is important.

Mr. Hackenburg indicated that this particular portion of roadway along Jake Landis Road is currently unimproved and that the Township Emergency Management Coordinator had some concerns.

Mr. Hackenburg indicated that the applicants have some thoughts and/or opportunities that could present themselves.

Mr. Hackenburg indicated that the Township Comprehensive Plan and Recreation plans have acknowledged this area as a potential bikeway through the Township which could potentially provide an opportunity to serve both as an emergency access point as well as achieve a recreation need.

Mr. Hackenburg indicated that there is an ordinance requirement for roadway widening and improvements.

Mr. Hackenburg advised that Landis Homes has a large area of road frontage along East Oregon Road.

Mr. Hackenburg indicated that East Oregon Road currently runs through the Agricultural District of the Township, and that although the applicants do not have any concerns about the dedication of additional right-of-way, the applicants do have reservations about widening and extending improvements along that frontage, therefore, they would be seeking relief from that requirement.

Mr. Hackenburg indicated that another modification would be sought regarding the requirement to widen the Internal Roadway Network in light of the major hurdles to relocate utilities, move existing infrastructure that's already in place, etc.

Mr. Sturla thanked the applicants for presenting their sketch plan and suggested that they continue working with staff.

Mr. Sturla asked for public comments.

Mr. Scott Wails, Lancaster County Planning Commission expressed his appreciation to the planning members for staying consistent with the Berkshire-Lancaster LLC applicants in order to achieve a more integrated plan that conforms to the requirements of the PCD ordinance.

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

The meeting was adjourned at 10:08 p.m.

The next Regular Planning Commission meeting is scheduled for Wednesday, December 19, 2007 at 6:30 p.m.

Respectfully submitted,

Shannon L. Sinopoli