

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

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

Roll Call

Mr. Gibeault called the meeting to order at 6:30 p.m. and conducted roll call. Mr. Gibeault indicated that Mr. Hendrix would be arriving shortly.

Minutes

Mr. Gibeault asked for a motion on the June 15, 2016 Planning Commission meeting minutes. On a motion by Mr. Shipman, it was recommended to approve the June 15, 2016 meeting minutes, seconded by Mr. Swinehart.

Motion Approved 5-0.

Subdivision/Land Development Plans

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

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

Mr. Swiernik indicated that this plan has previously been in front of the planning members and consists of a 4.7 acre parcel which was recently rezoned and is located on the northeast corner of Delp Road and Manheim Pike with the proposal to construct a car dealership.

Mr. Swiernik indicated that access would be from Delp Road and that the stormwater design is an underground infiltration system located under the proposed pavement area.

Mr. Gibeault questioned if the proposed building is one-story or two-story.

Mr. Nolt indicated that the majority of the building would be one-story with a second story area consisting of approximately 5,000 square feet.

Mr. Swiernik indicated that Delp Road would be milled and overlayed along the projects road frontage and that sidewalk would be provided on the south side of Delp Road in order to connect to the existing pedestrian walkway.

Mr. Swinehart questioned the modification request for the 6-inch vertical curb reveal versus the required 8-inch height and whether or not that request was now being supported by the Township Staff.

Mr. Swiernik indicated that previously the Township Engineer had a concern that a 6-inch reveal would not be sufficient enough to provide adequate stormwater collection and conveyance, however, the applicant has addressed these concerns and the request is now being supported.

There were no further discussions.

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

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

Motion Approved 5-0.

****Note:** Mr. Hendrix arrived at 6:40 p.m.

ii. **Stonehenge Estates - Tract 1 - Preliminary Subdivision and Land Development Plan - Buckwalter Road - Zoned R-1 Residential District & T-1 Overlay District.**

Present representing this Preliminary Subdivision and Land Development Plan was Mr. Brent Good, ELA Group.

Mr. Good indicated that this plan was submitted back in February and has been seen by the planning member a few times.

Mr. Good indicated that the plan consists of 31 acres with 46 lots and 45 new single family detached dwellings located on the west side of Buckwalter Road.

Mr. Good advised that the latest review letter consists of only minor comments which will be dealt with at the final plan stage.

There were no further discussions.

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

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

Motion Approved 6-0.

iii. **Penn Cinema Building Addition - Preliminary/Final Land Development Plan - 541 Airport Road - Zoned I-3 & D-A and T-1 Overlay Districts.**

Present representing this Preliminary/Final Land Development Plan was Mr. Tom Matteson, Diehm and Sons Surveying.

Mr. Matteson indicated that this plan consists of a small building addition that would connect the two existing buildings.

Mr. Matteson advised that the new addition would add two new screens with a maximum of 200 seats and indicated that there will be approximately 300 seats removed in four of the existing theaters which will be replaced with recliner seats whereby having a net reduction in the overall seating of 100 seats.

Mr. Matteson indicated that the previous plans for the Imax Theater initially was designed and proposed to have another restaurant in the same location as this proposed addition, however, prior to recording the plans, that addition was scratched. However, Mr. Matteson advised that the stormwater management remained designed for the future construction of the addition, therefore the stormwater proposal for this project consists of utilizing those existing credits for the overdesign and the removal of some parking spaces to the rear of the theater which will be converted to grass.

Mr. Matteson indicated that he is in receipt of the review letter which is fairly clean.

Mr. Shipman questioned if TDRs (transferable development rights) were required for the building length increase.

Mr. Matteson indicated that yes, three TDRs would be required.

There were no further discussions.

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

On a motion by Mr. Lee, it was recommended to approve this plan and modifications contingent upon a clean review letter and conditioned upon the applicant securing the required Transferable Development Rights prior to presenting this plan to the Board of Commissioners for action, seconded by Mr. Shipman.

Motion approved 6-0.

Rezoning Petition

i. **Grandview Lane Properties, L.P. - Rezoning Petition - 1251 New Holland Avenue - Request to change zoning of property from B-4 Business District to R-3 Residential District.**

Present representing this Rezoning Petition was Mr. Anthony Faranda-Diedrich, Charter Homes and Mr. Eric Mountz, Traffic Planning and Design.

Mr. Faranda-Diedrich provided a recap of the presentation that was provided at the June 15, 2016 Planning Commission meeting.

Mr. Faranda-Diedrich indicated that under the current B-1 Business Zoning, apartments are permitted by right in combination with commercial uses on the ground floor, which Charter Homes could go out and build today.

Mr. Faranda-Diedrich advised that instead of building commercial and apartments, the applicant is seeking to rezone the parcel and propose solely apartments; eliminating the commercial component and retail use which will also reduce traffic.

Mr. Faranda-Diedrich indicated that the subject parcel consists of 30 acres, however the development would only consist of 7 acres and that the remaining land would stay as open space with the possibility of dedicating such open space to the Township.

Mr. Faranda-Diedrich advised that if the parcel was rezoned from B-1 to R-3 it would still be subject to the T-4 Urban Neighborhoods Overlay Zone which requires two points of connection.

Mr. Faranda-Diedrich stated that New Holland Avenue access would be a right-in/right-out and that the second connection would be out the back of the development running parallel to and hugging Route 30 where it will connect to Homeland Drive. Mr. Faranda-Diedrich indicated that no direct connections into the existing Charter Homes development or the old Grandview development are proposed.

Mr. Faranda-Diedrich indicated that after the June 15, 2016 Planning Commission meeting, Charter Homes held a neighborhood meeting to discuss the proposal.

Mr. Hendrix asked Mr. Faranda-Diedrich to recap some of the questions and answers from the meeting.

Mr. Faranda-Diedrich indicated that the proposed plans were explained to the neighbors as they were presented to the Planning Commission in June and advised the neighbors that traffic issues were something that they know they will have to deal with during land development.

Mr. Faranda-Diedrich stated that there were several Pleasure Road neighbors in attendance who discussed some of the older plan versions and articulated such to the other neighbors in attendance including the old proposed connections. Mr. Faranda-Diedrich indicated that Kim Briner and Kathryn Ross (Pleasure Road property owners) both expressed their support of this proposal in comparison to some of the past proposals.

Mr. Hendrix questioned whether or not safety fencing along the new connection to Homeland was discussed.

Mr. Faranda-Diedrich indicated that it was not discussed however it was mentioned and that Charter Homes will consider such fencing.

Mr. Faranda-Diedrich indicated that another topic that was brought up was the speed of traffic along Pleasure Road and the number of complaints regarding such. Mr. Faranda-

Diedrich advised that they would not be opposed to looking at the possibility of providing speed tables along Pleasure Road if the Township regulations permit such.

Mr. Swinehart questioned the number of proposed apartments.

Mr. Faranda-Diedrich indicated that it's still early to provide an actual count, but the range will be somewhere between 150-175 apartments.

Mr. Gibeault asked for public comment and advised the audience members that this rezoning request focuses only on the rezoning of the property and not any land development items which would include traffic, stormwater and more detailed components.

Mr. Gibeault also advised that the Planning Commission is only a recommending body and only makes recommendations and that the Board of Commissioners get the final say of approval or denial. Mr. Gibeault stated that the Planning Commission needs to make a recommendation this evening and the request will then go in front of the Board of Commissioners for a public hearing on August 8, 2016 and then a decision will be made at a subsequent Board of Commissioners meeting.

Mr. Edward Pezenosky, 1042 Homeland Drive stated that he is the only neighbor that will be impacted by the extension of Center Avenue since he is adjacent to it and wondered when the project will occur and what the next step is. Mr. Pezenosky indicated that he had heard from a former Commissioner a few years ago that the Township filed a quit claim for the portion of the unopened Center Avenue in which case the Township would own that piece of ground.

Staff indicated that this item was discussed at an earlier staff meeting and that to the best of their knowledge the Township has no rights to it and the owner is unknown in which case the developer will need to conduct a title search and go through the quit claim process.

Mr. Gibeault stated that a second connection is needed regardless of whether the property is rezoned or not as such is a requirement of the T-4 Overlay which will be worked out during the land development process. Mr. Gibeault indicated that right now the planning members have to focus on whether apartments over office and retail or just all apartments make the most sense for this parcel.

Mr. Gibeault explained the rezoning process and reiterated that the Board of Commissioners will hear this request at their August 8, 2016 meeting after which a decision will follow at another meeting. Mr. Gibeault advised that if the rezoning request gets approved, then the applicant will need to start the land development process which comes back to the Planning Commission and then again to the Board of Commissioners for final action. Mr. Gibeault stated that a land development process is a minimum of 6 months.

Mr. Mark Steger, 1174 Edgemoor Court questioned what the zoning was before it was rezoned to B-1.

Staff indicated R-2 Residential.

Mr. Steger stated that over the past 10-15 years there have been several proposals for this parcel by Charter Homes, none of which seemed to be viable, and questioned what happens 5-10 years from now when they want to rezone it again and should the neighbors expect constant changing?

Mr. Gibeault indicated that anyone can request a rezoning, however certain requests are more challenging than others such as up-zoning from a residential district to a business district which means a more intense use which tends to be a bit harder to get rezoning approval, but there's never any guarantees when it comes to such requests.

Mr. Alan Hawkins, 1025 Grandview Boulevard questioned what the legal process is for claiming ownership of the area that abuts the park.

Mr. Gibeault stated that issue is not a part of this rezoning request.

Staff indicated that the applicant's attorney would have to conduct a title search and go thru the legal process of a quit claim.

There were no further discussions.

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

Motion Approved 5-1, with Mr. Hendrix voting no.

The public hearing is scheduled for August 8, 2016 at 5:30 p.m.

Text Amendment Petition

i. **Charter Homes at Grandview Inc. – Zoning Ordinance Text Amendment Petition - Article 5, Section 503 and Article 21, Section 2108.**

Present representing this Rezoning Petition was Mr. Anthony Faranda-Diedrich, Charter Homes and Mr. Chris Knarr, McNees Wallace.

Mr. Gibeault stated, that although this text amendment is being brought forth by Charter Homes at Grandview, the Township Staff also picked apart the existing fencing regulations since the language is outdated and that the majority of the revisions were at the direction and suggestion of the Township Staff.

Mr. Faranda-Diedrich indicated that as part of the Charter Homes landscaping package, they offer a fencing motif which includes fencing in the front yard, but unfortunately it does not fit or comply with the Township's current fencing regulations.

Mr. Faranda-Diedrich indicated that a meeting with Township Staff was held and it was noted that the existing regulations and language was very cumbersome and interpretations confusing.

Mr. Faranda-Diedrich stated that during the meeting with Township Staff it was suggested that an amendment be drafted which would not only permit the fencing as offered by Charter Homes, but also allowed the Township Staff to revise the existing outdated requirements and to make necessary additions to the regulations.

Planning members all agreed that the proposed revisions made sense.

There was no further discussions.

Mr. Gibeault asked for public comment.

An audience member questioned whether or not the regulations in this text amendment would apply to the entire Township.

Mr. Gibeault answered yes.

On a motion by Mr. Swinehart, it was recommended to approve this Text Amendment Petition Request, seconded by Ms. Betts.

Motion Approved 6-0.

The public hearing is scheduled for September 12, 2016 at 5:30 p.m.

Agricultural Security Area Addition

i. **Elias D. Grube Family Trust - 120 East Woods Drive and Millport Road**

Mrs. Douglas indicated that the property owners submitted a rezoning petition that the Board of Commissioners expect to act on at their July 25, 2016 agenda to change the current zoning of I-3 Industrial to AG Agricultural.

Mrs. Douglas advised that the owners have also submitted a petition to add their 60.73 acre property to the Agricultural Security Area (ASA) with the vast majority of the parcel being located in Warwick Township.

Mrs. Douglas indicated that in addition to receiving a recommendation from the Planning Commission and holding a public hearing in front of the Board of Commissioners, the petition also needs to be reviewed and approved by an Agricultural Security Advisory Board (ASAB) which consists of 3 local farmers; 1 Township Commissioner and 1 Township citizen. Mrs. Douglas advised that the ASAB recently met and did vote to include this parcel in the ASA.

Mrs. Douglas indicated that some of the benefits for being in the ASA are that it protects the farmer from nuisance laws such as noise and odor as well as protection from any condemnation proceedings. Mrs. Douglas advised that being in the ASA also provides for additional financing benefits and allows the property owner the ability to request conservations easements from the county and also protects the landowner from any condemnation proceedings.

Mrs. Douglas indicated that some of the requirements to join the ASA are to be a productive farm, to have prime agricultural soils and to comply with the municipal comprehensive plan.

There was no further discussions.

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

On a motion by Mr. Shipman, it was recommended that the subject parcel located at 120 East Woods Drive and Millport Road be added to the Agricultural Security Area.

Motion Approved 6-0.

The public hearing is scheduled for August 8, 2016 at 5:30 p.m.

General Public Comment

There was no public comment.

Adjournment

On a motion by Ms. Betts, it was recommended to adjourn the meeting, seconded by Mr. Swinehart.

Motion approved 6-0 and the meeting adjourned at 7:45 p.m.

The next Regular Planning Commission meeting is scheduled for Wednesday, August 17, 2016 at 6:30 p.m.

Respectfully submitted,

Shannon L. Sinopoli