

**MANHEIM TOWNSHIP
PLANNING COMMISSION
MINUTES
Wednesday
August 21, 2019**

A meeting of the Manheim Township Planning Commission was held on Wednesday, August 21, 2019 at 5:30 p.m. The following members were present: Chairman Mr. Michel Gibeault; Vice Chairman Mr. Jeffery Swinehart; Members: Mr. John Shipman; Ms. Stacey Betts; Mr. John Hendrix and Mr. Patrick Cloonan. Ms. Maryann Marotta was absent. The following Township Staff was present: Ms. Lisa Douglas and Ms. Shannon Sinopoli.

Roll Call

Mr. Gibeault called the meeting to order at 5:30 p.m. and conducted roll call.

Minutes

Mr. Gibeault asked for a motion on the July 17, 2019 Planning Commission meeting minutes. On a motion by Mr. Hendrix, it was recommended to approve the July 17, 2019 meeting minutes, seconded by Ms. Betts.

Motion Approved 6-0.

Text Amendment

- i. **Lancaster Country Day School** – Zoning Ordinance Text Amendment Petition - Article XXII, add Sections 2218 and 2219.

Present representing this proposed text amendment was Mr. Joshua Cohen, McNees, Wallace & Nurick.

Mr. Cohen indicated that, as a follow up to the July Planning Commission meeting, he did reach out to the Township Solicitor with regards to the second piece to the proposed text amendment relating to the signage restriction and the Solicitor's concern with violating the First Amendment.

Mr. Cohen advised that there are Supreme Court cases which permit such restrictions if it is deemed a substantial government interest and he believes that this proposal would be a government interest as the students live in fear due to the recent mass shootings and due to schools being targeted. The restriction would be within the 1,000 foot buffer zone around schools and restricted to the retail sale of firearms.

Mr. Gibeault stated that he really appreciates the concern, however, the planning members are not attorneys that can work through the law, therefore the Planning Commission relies on the advice of the Township Solicitor, and in this case it is with regards to the second piece of the proposed amendment concerning the signage restriction and freedom of speech. Mr. Gibeault indicated that the Planning Commission is only a recommending body and that once this text amendment moves through the planning board, it will move onto the Board of Commissioners for the final say.

Mr. Gibeault asked for public comment.

Mr. Todd Trout, Assistant Head of School, Lancaster Country Day School indicated that he is speaking as a father with regards to this matter and indicated that his daughter's first day back to school was today and that she was very nervous to go. Once she got to school she was okay, but driving by the former Gun Gallery which had the signage of an assault rifle made her anxious. Mr. Trout stated that he supports this proposal and encouraged the planning members to support it as well.

Donna Wilcox, Lancaster Township and a Lancaster Country Day School teacher echoed Mr. Trout's statement and expressed her concerns with regards to the First and Second Amendment rights when children are being killed and terrorized. Ms. Wilcox encouraged the support for restrictions on signage.

Ms. Karen Forstill, Lancaster Township stated that both proposals make common sense and are constitutional and expressed her support to limit how these gun sales are advertised.

There were no further comments or questions.

On a motion by Mr. Shipman it was recommended to approve the proposed amendment to Article XXII (General) to add Section 2218, Gun-Shop-Free School Zones and further recommended to deny the proposed amendment to Article XVIII (Signage) to add Paragraph 37 to Section 1804, General Regulations, seconded by Mr. Hendrix.

Motion approved 5-1 (with Ms. Betts voting no).

Conditional Use Request

- i. **Worthington Planned Residential Development** – Revised Conditional Use Request – Kincaid Avenue - Zoned R-3.

Present representing this Revised Conditional Use request was Ms. Joyce Gerhart and Mr. Bill Briegel, Keystone Custom Homes.

Ms. Gerhart indicated that the original Worthington plan included 33 townhouses along Kincaid Avenue to the rear of the site which abuts Route 222. Last fall there was a revised conditional use request to eliminate the 33 townhouses and replace them with 22 semi-detached units which was ultimately approved.

Ms. Gerhart stated that now the applicant would like to revise the plan to construct 20 single-family detached units in place of the 22 semi-detached units. The road will remain the same and the lots and house sizes will mimic the existing single-family units in the development.

There were no further discussions and no public comment.

On a motion by Mr. Hendrix, it was recommended to approve this Conditional Use and modification request, seconded by Mr. Swinehart.

Motion approved 6-0.

The public hearing has been set for October 14, 2019.

Subdivision/Land Development Plans

- i. **Sterling Center** – Preliminary/Final Land Development Plan – East Roseville Road – Zoned B-1.

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

Mr. Swiernik indicated that this project consists of a 5,000 square foot, single story office building which will be located within the Sterling Center Office Park along East Roseville Road and situated behind the existing Union Community Bank.

Mr. Swiernik advised that access will be off of Sterling Place which is a private drive and that two access drives into the site are proposed.

Mr. Swiernik indicated that he is working through the Township Staff review letter and expects to address all comments.

There were no further discussions and no public comment.

On a motion by Mr. Shipman it was recommended to table this plan and modification requests until all outstanding comments are adequately addressed, seconded by Ms. Betts.

Motion approved 6-0.

- ii. **Springhill Suites** – Preliminary/Final Lot Add-On and Land Development Plan – 720 Enterprise Way – Zoned B-4 and D-R Overlay.

Present representing this Preliminary/Final Lot Add-On and Land Development Plan was Mr. Kevin Ember, Rettew Associates.

Mr. Ember indicated that this project is located at 720 Enterprise Way which is a private street located across from Chelsea Square on the Manheim Pike.

Mr. Ember advised that this project consists of the combining of 3 vacant lots to house a 4-story, 128 room limited service hotel. The parking requirement is being met with 137 spaces being provided. The purchase of transferable development rights is required due to exceeding the allowable building length. Stormwater will be handled by one basin and two underground storage beds. The traffic impact study did not warrant a signal at the intersection of Manheim Pike and Enterprise Way.

Mr. Ember indicated that one of the modifications being requested is with regards to the width of Enterprise Way which does not meet the required width of 27-feet for a private street since it is only 23-feet wide. No parking signage will be provided along the street.

Mr. Gibeaut indicated that he would support such request in light that Enterprise Way ends in a cul-de-sac and has limited travel.

Mr. Hendrix questioned what this hotel's occupancy will be for a year.

Mr. Ember indicated that he would find out from the applicant.

Mr. Hendrix questioned if there would be one or two people working the night shift.

Mr. Ember indicated that he believed there will be two but will also verify.

Mr. Gibeault asked for public comment.

Kevin Groff, 2416 Raleigh Drive expressed his concerns with regards to traffic in the vicinity of this project and the additional traffic being created by this proposal.

There were no further comments or questions.

On a motion by Mr. Shipman it was recommended to table this plan and modification requests until all outstanding comments are adequately addressed, seconded by Mr. Hendrix.

Motion approved 6-0.

Public Comment

There was no general public comment.

Adjournment

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

Motion approved 6-0 and the meeting adjourned at 6:25 p.m.

The next Regular Planning Commission meeting is scheduled for Wednesday, September 18, 2019 at 5:30 p.m.

Respectfully submitted,

Shannon L. Sinopoli