

**MANHEIM TOWNSHIP
PLANNING COMMISSION
MINUTES
Wednesday
May 19, 2010**

A meeting of the Manheim Township Planning Commission was held on Wednesday, May 19, 2010 at 6:30 p.m. The following members were present:

Mr. Jeffrey Sturla; Mr. Cory Rathman, Mr. Donald Reed; Mr. Michael Martin; Mrs. Mary Ellen Hollinger and Mrs. Stacie Reidenbaugh. Mr. Michel Gibeault was absent. The following Township staff was present: Mrs. Lisa Douglas and Mrs. Shannon Sinopoli.

Roll Call

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

Minutes

Mr. Sturla asked for a motion on the April 21, 2010 Planning Commission meeting minutes.

On a motion by Mr. Reed, seconded by Mr. Rathman it was recommended to approve the April 21, 2010 meeting minutes.

Motion Approved 6-0.

Subdivision/Land Development Plans

1. Grandview – Preliminary Subdivision and Land Development Plan – New Holland Pike, Pleasure Road and Esbenschade Drive – Zoned R-3 & B-1.

Present representing this Preliminary Subdivision and Land Development Plan was Mr. Jamie Brubaker, Charter Homes.

Mr. Brubaker indicated that they had met with staff on April 26th and as a result of the meeting, it was agreed to permit Helen Avenue to consist of a 28-foot paved width, parking one-side and allow the alley widths to decrease from 18-foot down to 14-foot paved width in a 16-foot easement.

Mr. Brubaker indicated that they also had discussions with the Dieterles and the other two adjoining property owners with regards to vacating the existing shared access easement and proposing access to the new alley. Mr. Brubaker indicated that he has provided the property owners with an agreement and is under the assumption that all three parties are inclined to utilize the proposed alley and will entertain the agreement. Mr. Brubaker stated that if all three property owners do not wish to connect then Alley B will be removed altogether.

Mr. Sturla raised a concern regarding the clear title issues for the 10-foot strip of land that runs along Esbleshade Drive and the 50-foot right-of-way of Unopened Helen Avenue which, in essence, presently land locks the subject property along Esbleshade Drive and Helen Avenue.

Mr. Sturla indicated that until the applicants can prove that they have equitable ownership of these areas, the Planning Commission cannot move this preliminary plan forward without clear title. Mr. Sturla indicated that the applicants should file additional time extensions for action while they work out obtaining clear title, otherwise the Planning Commission will have to act unfavorably on the plans at the June Planning Commission meeting.

Mr. Brubaker indicated that they were planning on taking care of the title issues prior to final plan recording, which is what he thought all parties agreed to previously.

Mr. Sturla indicated that previously the Planning Commission was under the assumption that the title issues were relative to rights-of-way and not private property as was recently found out after old Grandview Subdivision plans were researched and a legal opinion was provided by the Solicitor.

Mr. Sturla indicated that in further discussions with staff, the engineer and the Solicitor it was noted that the applicants will need to have ownership or proof of equitable ownership before a preliminary plan can move forward in light that a preliminary plan approval could permit a developer to pull NPDES permits which would permit a developer to start grading and laying out streets. Mr. Sturla questioned how Mr. Brubaker thought it was possible for the Planning Commission to feel comfortable sending a positive recommendation on this plan to the Board of Commissioners for approval when they do not own or have title of land.

Mr. Sturla suggested that Mr. Brubaker schedule a meeting with staff and the Township Solicitor. Mr. Sturla indicated that these issues need to be resolved before the June 16, 2010 Planning Commissioner or Mr. Brubaker will need to file a time extension request.

Mr. Rathman thanked Mr. Brubaker for working with the neighbors of Grandview and his efforts are appreciated.

Mr. Reed indicated that one of the Stormwater Ordinance modification requests, pertaining to Section 403.6.A.(1) for basin depth, is not being supported by the Township Engineer in light that there is sufficient enough area on the site to construct the basin to the ordinance requirements. Mr. Reed asked Mr. Brubaker if he was going to modify the plans and comply.

Mr. Brubaker indicated that this comment has been in past reviews and that they have provided additional information to the engineer. Mr. Brubaker indicated that because of being bounded by existing properties, streets, and retaining walls, there are site constraints. Mr. Brubaker indicated that in order to comply, they would have to eliminate retaining walls, etc, which they would then end up losing some lots. Therefore, they intend to leave the plans as is and continue requesting the modification.

Mr. Reed indicated to Mr. Brubaker to try and resolve it with the Township Engineer before the June Planning Commission.

Mr. Sturla asked for public comment.

Patron #1: John Hershey, 1005 Pleasure Road

Mr. Hershey expressed his gratitude for the Township supporting the alley reduction which provides more buffer area for the existing residents. Mr. Hershey indicated that in comparing the 1930's and 1940's plans for the existing Grandview Development he noticed several differences between then and the current plans such as tighter turning radius; narrower streets; streets were built around existing trees instead of the removal of. Mr. Hershey indicated that one thing that the old plans did not have was open space, however, the current plans propose open space and he would like to see steps taken to provide as much connection for the existing neighborhood to the proposed open space.

No further public comment.

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

Motion Approved 6-0.

2. Long Community at Highland – Preliminary Land Development Plan – 600 East Roseville Road – Zoned Institutional.

Mr. Sturla abstained from plan discussions and handed the gavel over to Mr. Rathman.

Present representing this Preliminary Land Development Plan was Mr. Jason Best, ELA Group.

Mr. Best indicated that since the last Planning Commission meeting they have been able to clean up all of the technical comments and are now merely dealing with housekeeping items for the final plans.

Mr. Rathman questioned the need for phasing of the preliminary plan and asked that Mr. Best show the phasing lines on the next resubmission of this preliminary plan.

No further discussions took place.

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

On a motion by Mr. Reed, seconded by Mr. Martin, it was recommended to approve this plan and modifications contingent upon the applicant providing phasing details to the plans prior to seeking approval from the Board of Commissioners and contingent upon a clean review letter.

Motion Approved 5-0 (with Mr. Sturla abstaining).

3. Manheim Township School District – 5th/6th Grade Building -Preliminary/Final Subdivision & Land Development Plan - 2933 Lititz Pike – Zoned R-2 & R-3.

Mr. Reed abstained from plan discussions.

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

Mr. Detter indicated that the applicants met with staff recently regarding traffic and that they plan on addressing all of the outstanding comments and resubmit May 26th.

Mr. Detter indicated that in response to the Planning Commissions suggestions, the access drive sidewalk/path has been completely relocated on the north side and the playground is now showing as being fenced.

Mr. Sturla questioned whether or not there were still any outstanding traffic issues.

Mr. Detter indicated that there are ongoing discussions regarding the Route 501 and School Road intersection. Mr. Detter stated that the school is willing to put restrictions on the usage of School Road during school peak hours by restricting movement to bus use only.

Mr. Sturla asked for public comment.

Patron #1: Ben Webber, Lake Roeder Hillard & Associates

Mr. Webber indicated that he was present on behalf of his clients Sandra Yecker and Bob Ulrich.

Mr. Webber indicated that he has held discussions with ELA Group and the school district and he believes the Bob Ulrich property will be affected as a downstream property owner and that he is not comfortable with where things stand right now with the plans. Mr. Webber indicated that he submitted his concerns in writing to the Township and ELA Group and has received a response from ELA, however, the Township Engineer has not responded to date. Mr. Webber indicated that the ordinance states that any downstream property owner affected by a project shall receive approval from that property owner.

Mr. Sturla indicated that the Staff and Planning Commission are not going to review this letter and that the issue is with the school district. Mr. Sturla indicated that Mr. Webber's concerns are apparently tied to previous school projects and not this current plan proposal.

Mrs. Douglas stated that there is a requirement in the ordinance as stated by Mr. Webber, however, the Township engineer ensures that this requirement is being met and if he feels that there is a downstream property owner that may be affected, he will make the comment and to date, the engineer has not indicated that this plan will be affecting any other properties.

Mr. Sturla directed Mr. Webber to take action with the school district if he still has concerns with past projects by filing a complaint and notifying the Township. Mr. Sturla indicated that this is a civil issue and that the tax payers should not be responsible for fighting this battle.

Mr. Detter indicated that they have been working with Mr. Webber and Ms. Yecker by responding to their letter of concern and will continue to work with them.

No further public comment.

On a motion by Mr. Rathman, seconded by Mr. Martin, it was recommended to table this plan and modification requests until all outstanding items can be adequately addressed.

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

4. Landis Homes Retirement Community – South Campus – Final Phase II & III Land Development Plan – 1001 East Oregon Road – Zoned Institutional.

Mr. Sturla and Mr. Martin abstained from plan discussions and Mr. Sturla handed the gavel over to Mr. Rathman.

Present representing this Preliminary/Final Subdivision and Land Development Plan was Mr. Craig Smith, RGS Associates.

Mr. Smith indicated that this is simply the final plans for Phase II & III of the Landis Homes South Campus.

Mr. Smith indicated that all technical related items were addressed with the Preliminary plan approval and all of the stormwater management and the secondary bridge have been put into place during the final Phase I construction.

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

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

Motion Approved 4-0 (with Mr. Sturla & Mr. Martin abstaining).

5. Penn Cinema IMAX Theater & Restaurants – Preliminary/Final Land Development Plan – 541 Airport Road – Zoned I-3.

There was no representation for this plan in attendance.

On a motion by Mr. Rathman, seconded by Mrs. Reidenbaugh, it was recommended to table this plan and modification requests until all outstanding items can be adequately addressed.

Motion Approved 6-0.

6. Weaver Road Athletic Field – Preliminary/Final Lot Add-On Plan – Petersburg and Weaver Roads – Zoned R-2.

Present representing this Preliminary/Final Lot Add-On Subdivision Plan was Mrs. Lisa Douglas, Manheim Township Planning/Zoning Director.

Mrs. Douglas indicated that this plan is merely a simple “land swap” consisting of .238 acres and .263 acres that is occurring between the Township and the neighboring property owner to the Weaver Field location.

Mrs. Douglas indicated that all technical issues were addressed during the review and conditional approval of the Weaver Road Athletic Field Land Development plan.

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

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

Motion Approved 6-0.

Public Comment

There was no public comment.

Adjournment

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

Motion approved 6-0 and the meeting adjourned at 7:10 p.m.

The next Regular Planning Commission meeting is scheduled for Wednesday, June 16, 2010 at 6:30 p.m.

Respectfully submitted,

Shannon L. Sinopoli