

**MANHEIM TOWNSHIP
PLANNING COMMISSION
MINUTES
Wednesday
July 16, 2008**

A meeting of the Manheim Township Planning Commission was held on Wednesday, July 16, 2008 at 6:30 p.m. The following members were present: Mr. Jeffrey Sturla; Mr. Robert Wolf; Mr. Cory Rathman; Mr. Donald Reed; Mrs. Mary Ellen Hollinger and Mr. Michael Martin. Mr. Michel Gibeault was absent. The following Township staff was present: Mrs. Shannon Sinopoli.

Roll Call

Mr. Sturla called the meeting to order at 6:35 p.m. and conducted roll call.

Minutes

Mr. Sturla asked for a motion on the June 18, 2008 meeting minutes.

On a motion by Mr. Reed, seconded by Mr. Rathman, it was recommended to approve the June 18, 2008 meeting minutes.

Motion Approved 6-0.

Old Business

A. Development Plans

1. RLPS Partners New Office Building - Preliminary Subdivision/Land Development Plan - Valleybrook Drive and Oregon Pike - Zoned B-1.

Present representing this Preliminary Subdivision and Land Development Plan was Mr. Derek Potter, Harbor Engineering and Mr. Craig Kimmel, RLPS.

***Note: Planning member Michael Martin recused himself from plan discussions.*

Mr. Potter advised that a meeting was held with staff last week and that an agreed upon path easement location has been determined for the connection with the Worthington property.

Mr. Potter indicated that the floodplain was also discussed and that since the meeting, they have gone back and reanalyzed the hydrology coming to the property and are in the midst of updating the flood study per the Township Engineer's comments, however, this has not yet been submitted to the Township for review and comment.

Mr. Sturla asked how they calculated the current plans and what studies were used to calculate the floodplain.

Mr. Potter indicated that the floodplain right now is based on the Act 167 flows that they have been presenting and the HRG study from 2001.

Mr. Rathman indicated that the applicants originally got their site design based on the Act 167, which is not an approved study, and now the applicants are doing a new study to justify the Act 167 number, which needs to be submitted to the Township Engineer for review which will either be verified or it could create the possibility for comments that could potentially change the number.

Mr. Kimmel indicated that the 2001 HRG approved study was an ultra conservative study and if they used that study, it would mean significant changes to the plan.

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

On a motion by Mr. Rathman, seconded by Mrs. Hollinger it was recommended to table this plan and modifications until all outstanding comments can be adequately addressed.

Motion Approved 5-0, (with Mr. Martin abstaining).

2. **Bucher Elementary School** - Preliminary/Final Lot Add-On Subdivision and Land Development Plan - Corner of Candlewyck Road and Brockton Road - Zoned R-3. (8/8/08)

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

Present representing this Preliminary/Final Lot Add-On Subdivision Plan and Land Development Plan was Ms. Melissa Kelly and Mr. Jeri McClune, Rettew Associates, Inc.; Mr. Josh Bower, Crabtree Architects and Mr. Joe Kurjaka, Manheim Township School District.

Mr. McClune discussed the specific permission request to permit grading and/or fill to be located within the floodplain for the recreational fields as well as the relocation of a headwall within the detention area of the floodplain and within 200' of structures.

Mr. McClune indicated that the proposed excavation will not move the floodplain any closer to the existing houses than how it is presently located.

Ms. Kelly ran through the remaining modifications being requested.

Discussion on the modification request for sidewalk within parking compounds was discussed relative to staff recommendation of providing sidewalk in a few additional areas to include: around the island created by the two access drives to Candlewyck Road; around the island created by the eastern access to Candlewyck Road and the access drive onto Brockton Road; and sidewalk installed to follow the western radius of the western access drive off Candlewyck Road.

Ms. Kelly indicated that the additional sidewalk is now being shown on the plans; however, she questioned the sidewalk being requested around the entire island area along Candlewyck Road.

Ms. Kelly indicated that at the May Planning Commission meeting, planning members suggested that a sidewalk cutting through the island would make more sense than surrounding the entire island.

Planning members agreed that sidewalk (around the island along Candlewyck Road) be reduced to just being supplied along the roadway and not internally abutting the parking spaces.

Mr. McClune indicated that the plan proposes two underground stormwater storage areas and that the Township Engineer is asking to see the specifications and the exact material with this plan.

Mr. McClune indicated that at this point, they haven't identified what they will be made of because the school would like to bid it and let the cheapest option govern what is put in.

Mr. McClune advised that they will be providing the Township with a final design for review by the Township Engineer to verify that it meets the depth, volume and discharge requirements that have been approved in the calculations.

Mr. McClune indicated that if they are required to commit to a material now, there is obviously going to be an increase in cost because then they will not have the competition to provide the cheapest option.

Mr. Rathman asked Mr. McClune to specify the material on the plans now and still bid it, and then come back later and have it reviewed and approved in accordance with the ordinance.

Mr. McClune responded that they can provide that and bid it with the knowledge that alternatives might exist.

Mrs. Kelly indicated that they have analyzed the effects of the Berkshire traffic on the property and did provide a memo to the Township.

Ms. Kelly indicated that the memo noted that the additional traffic generated from the Berkshire PCD will not create additional impacts on the school and that the proposed center turn lane may in fact improve those traffic movements into the property.

Mr. Sturla asked for public comment.

Patron #1 Mr. Greg Strausser, 409 Delp Road

Mr. Strausser indicated that at the May Planning Commission meeting he discussed accessory uses and how it fit in with the district offices being attached to the school.

Mr. Strausser indicated that the Planning Commission indicated that they would follow up with the Township Solicitor to make a determination as to whether the accessory use provisions of the zoning ordinance would apply.

Mr. Strausser advised that if the provisions apply, then the district office can not go in there, and that if they don't apply, then the district office can go there and the scope of the improvements would certainly make sense with the plan that is being reviewed.

Mr. Strausser questioned whether or not discussions with the Township Solicitor had taken place and if additional information has been obtained yet.

Mr. Sturla indicated that the applicant has not identified any other use on this plan in front of the Planning Commission, nor have they indicated what use is being proposed for the additional area, therefore, the planning members have to review this current plan as being all educational.

Mr. Sturla stated that when the applicant takes this plan to the Zoning Officer for a building permit and if that Zoning Officer makes the determination that it doesn't meet the ordinance regulations; then it's going to be the school's burden to go back through the zoning process again.

Mr. Strausser thanked Mr. Sturla.

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

On a motion by Mr. Rathman, seconded by Mr. Martin, it was recommended to approve the plan and modifications subject to the applicants providing the additional sidewalk as discussed and contingent upon a clean review letter.

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

3. David Costello - Preliminary/Final Lot Add-On Subdivision Plan - 680 Valley Road - Zoned R-2.

Present representing this Preliminary/Final Lot Add-On Subdivision Plan was Mr. Greg Strausser, Strausser Surveying and Engineering.

Mr. Strausser indicated that this lot add-on plan consists of the combining of parcel tracts in order to end up with two parcels similar in size area.

Mr. Strausser indicated that there are no proposed improvements with this plan at this time and that all of the existing structures, including the house will be razed and the proposal is to building a single family dwelling on both lots.

Mr. Strausser indicated that access will be via an existing shared driveway or private street off of Valley Road.

Mr. Strausser indicated that, in light of a possible reconfiguration of Delp Road to align with Kissel Hill Road, the applicant is proposing to dedicate additional right-of-way to Manheim Township along Delp Road, which is adjacent to the lands owned by the Commonwealth of Pennsylvania.

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

On a motion by Mr. Wolf, seconded by Mr. Reed it was recommended to approve this plan and modifications conditioned upon the private street being constructed to a width of 27 feet to the limits of the curb return beyond the right-of-way line and contingent upon a clean review letter.

Motion Approved 6-0.

New Business

A. Development Plans

1. Manheim Township High School - Revised Final Land Development Plan-Fieldhouse - 2759 Lititz Pike - Zoned R-3. (9/16/08)

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

Present representing this Revised Final Land Development Plan was Ms. Kara Kalupson, ELA Group; Mr. Jay Darkey, JP Darkey Architects and Mr. Joe Kurjiaka, Manheim Township School District.

Ms. Kalupson provided a brief overview of this revised plan for the proposed Bluestreak Pavilion and indicated that with the approved 2005 Land

Development Plan, a total of 10,000 square feet of additional area was accounted for with the stormwater for this future fieldhouse.

Ms. Kalupson stated that since the original plan, the proposal has increased the size of the structure to 20,000 square feet, plus additional macadam plaza areas, walkways and emergency drives are now proposed.

Ms. Kalupson indicated that in light of the increase in impervious area, the applicants are presenting a revised final plan in order to verify that the existing stormwater facilities will be able to handle the extra impervious area.

Ms. Kalupson provided a general layout of the lower and upper levels of the proposed pavilion.

Ms. Kalupson indicated that she was made aware of certain stormwater issues that are coming up with adjacent properties in the area from the current construction activities.

Ms. Kalupson advised that, after checking into the concerns, it was noted that during the construction of the access drives, the inlets were put in but the road grade is not yet up to the top of the rims yet because the base course has only been installed.

Mr. Sturla indicated that the contractor should have installed and was directed to install temporary wearing course to provide positive drainage to the inlets until the final wearing course was installed.

Mr. Sturla asked Mr. Kurjaka to address this issue with the contractor as soon as possible to resolve this stormwater issue. Mr. Kurjaka acknowledged the request.

Mr. Sturla asked if the existing basins are designed to handle the additional 30,000 square feet of impervious area.

Ms. Kalupson answered yes and that no modifications are required. Ms. Kalupson indicated that all they have to do is an as-built survey on some of the existing facilities in order to just to confirm that the basins are built the way they were approved.

Mr. Darkey presented a detailed breakdown of the proposed rooms and areas to be located in the Bluestreak Pavilion, which included locker rooms, team rooms, restrooms, concession stand, bleacher seating, press box, etc.

There were no further questions by the planning members.

Mr. Sturla asked for public comment.

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

Dr. Bashore and his attorney, Susan Smith, expressed their concerns over the existing stormwater run off problems that Dr. Bashore has been enduring with the present construction work and questioned what negative impact this additional proposal will have to him and his property.

Ms. Smith indicated that the original plan proposed a stormwater easement going across Dr. Bashore's property to collect and carry water that comes off the school site and across Dr. Bashore's property, however, that easement was never secured.

Ms. Smith advised that recently construction activities started on Dr. Bashore's property and they questioned why this was occurring and the school district then realized that they did not secure the appropriate rights to discharge stormwater across Dr. Bashore's property.

Ms. Smith indicated that they are in current negotiations with the school district to get this resolved.

Ms. Smith indicated that as development continues to occur and some drainage changes have been made, it appears that additional stormwater is now both coming down Valley Road and through a pipe onto the Bashore property.

Ms. Smith indicated that the water comes within the matter of feet and inches of existing outbuildings in storm events and is causing significant erosion at the base of an historic tree.

Ms. Smith indicated that recently, an inlet has been constructed on the shoulder of Valley Road, at the top of the pipe, and that additional waters are collected by that inlet and have been discharging onto Dr. Bashore's property during the past weeks storm events.

Mr. Sturla questioned why the easement was never secured as part of the approved 2005 plan.

Ms. Smith indicated that the school district thought that it was secured.

Mr. Sturla asked if part of this problem is because the current situation out there was incorrectly installed by the excavation company.

Ms. Kalupson indicated that she would have to look into that, but that just knowing that the inlets in the new driveway are above grade, it's most certainly contributing to the problem.

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

On a motion by Mr. Wolf, seconded by Mr. Rathman it was recommended to table this plan and modifications until all outstanding comments can be adequately addressed.

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

2. Alpha Charlie - Preliminary/Final Land Development Plan - 500-G Airport Road - Zoned I-3. (9/18/08)

Present representing this Preliminary/Final Lot Add-On Subdivision Plan was Mr. Greg Strausser, Strausser Surveying and Engineering; Mr. Troy Abel, Abel Construction and Mr. Dave Eberly, Lancaster Airport.

Mr. Strausser provided a brief overview of this Preliminary/Final Land Development Plan which consists of a 7,500 square foot aircraft hangar, a 580 foot access drive, 5 space parking lot and a 5,600 square foot pad for airplane taxiing into the hangar.

Mr. Strausser discussed the requested modifications.

Mr. Strausser indicated that stormwater drainage out on the airport property is because of the airport property being completely underlain by solid limestone and because of the sinkhole issues.

Mr. Strausser ran through the Geotechnical comments that were generated by the Township Engineer.

Mr. Strausser indicated that the Geotechnical study advises not to infiltrate in light of the karst geology and the sinkhole potential, however, the applicants still wish to infiltrate anyway, regardless of the sinkholes. Mr. Strausser advised that this land is owned by the airport and it is not a public facility, therefore the traditional geotechnical concerns should not apply to this plan.

Mr. Strausser discussed the stormwater management in regards to what's proposed and the comments raised by the Township Engineer in regards to the proposal for infiltrating in areas where the study indicates not to use infiltrating Best Management Practices (BMPs).

Mr. Strausser indicated that if they do not take the stormwater under ground they will have to build more above ground basins or putting in underground pipes to hold the water longer.

Discussions took place in regards to the request to infiltrate in an area consisting of karst geology.

Mr. Sturla had concerns over setting a precedent with infiltration in a karst area and indicated that, although he understands that this project is behind a screened in fence and its not open to the public, there are other people sitting in the audience who may request the same relief for a project and wonder why the planning members supported the airport's request, but not their request.

Mr. Sturla questioned how close the building would be to the pond and how likely it would be that a sinkhole would compromise the structural element.

Mr. Strausser responded but was inaudible due to not using the microphone.

Further geotechnical discussions took place.

There were no further questions or comments from the planning members.

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

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

Motion Approved 6-0.

B. Rezoning/Text Amendment/Conditional Use/Ordinances

***Note: In light of the Susquehanna Bank proposal and the Wetherburn Town Center proposal requesting similar changes and/or conditional use to the sign section of the PRD ordinance, Mr. Sturla asked Mr. Penn Ketchum if the Susquehanna Bank and Wetherburn Town Center applicants could present their proposals together and move Mr. Ketchum's petitions to the end of the agenda. Mr. Ketchum indicated that he was fine with allowing Susquehanna Bank and Wetherburn Town Center to proceed ahead of his proposals.*

1. Text Amendment Petition of Wetherburn Town Center, LP - Fruitville Pike - Request to amend the Manheim Township Zoning Ordinance (sign regulations in a PRD) - Zoned R-3.

Present representing this Text Amendment Petition was Mrs. Caroline Hoffer and Michael O'Brien.

Mr. O'Brien and Mrs. Hoffer presented the planning members with a break down of the proposed language of the zoning ordinance as it relates to signage regulations in the Planned Residential Development ordinance (PRD) versus the existing language in the PRD as well as what is permitted in all of the Business Districts.

Mrs. Hoffer indicated that the first item relates to the concept of a center sign.

Mrs. Hoffer advised that the PRD ordinance does not allow a separate center sign for commercial components, but instead, it says that you can incorporate some commercial component on the residential development sign.

Mrs. Hoffer indicated that they are proposing language to provide for a center sign for a commercial component of a PRD, provided that it meets certain criteria.

Mrs. Hoffer advised that an applicant would have to meet two of the following three criteria requirements in order to permit a center sign; (1) Five (5) Commercial Units; (2) Twenty Thousand (20,000) square feet of building area; (3) The commercial component would need to consist of at least five (5) acres.

Mrs. Hoffer indicated that the second proposal relates to wall mounted signs.

Mrs. Hoffer advised that the PRD regulations state that a wall mounted sign area is limited to five (5%) percent of the ground floor building facade to a maximum of twenty-four (24) square feet and the applicants are proposing to go from five (5%) percent to seven (7%) percent.

Mrs. Hoffer indicated that the third proposal relates to wall mounted sign letters and/or numbers.

Mrs. Hoffer advised that the PRD regulations state that wall mounted sign letters or numbers cannot exceed eight (8") inches in height.

Mrs. Hoffer indicated that they are not proposing to change this requirement generally, unless that letter or number is a part of the graphic or business logo.

It was noted and discussed that this particular proposal is similar to the conditional use request by the Susquehanna Bank. The bank is seeking a conditional use to permit the height of their lettering to exceed the eight (8") inches and allow for eleven, three-eighths (11 3/8") inch lettering and for the height of their logo to be thirty-two (32") inches.

Mrs. Hoffer indicated that there are some business names that have their first letter larger than the rest of their name and that it might only be one letter that would be exceeding the 8" lettering requirement.

Mrs. Hoffer indicated that the next proposal relates to sign area for a side or rear entrance.

Mrs. Hoffer advised that the PRD regulations state that the sign area for a side or rear entrance has a limitation of six (6) square feet and that they are proposing to take that to eight (8) square feet.

Mrs. Hoffer indicated that the final item refers to canopy signs for convenience stores.

Mrs. Hoffer advised that, in a PRD, roof signs and canopy signs are not permitted at all and that, only in a business district, are roof signs permitted.

Mrs. Hoffer advised that they are proposing to allow signs on a canopy for a convenience store which would be limited to eighteen (18) square feet of sign area per sign.

Mr. O'Brien indicated that the commercial component of the Wetherburn Commons PRD consists of 36,000 square feet of retail, a future 20,000 square foot, 2 story office building, a convenience element and a bank.

Mr. O'Brien indicated that he felt that the Wetherburn Commons PRD has a larger commercial component than what has been and what is planned for other PRDs.

Mr. O'Brien indicated that Wetherburn Commons exists of approximately six (6) acres of ground and it is a completely separate component disconnected from the residential portion by roads.

Mr. O'Brien indicated that this is quite unique due to other PRDs having the center of the development integrated where the commercial and residential touch each other on all sides.

Mr. O'Brien continued to provide the planning members with examples of a center sign, wall mounted signs and canopy signage.

Mr. Wolf asked if only one center sign would be permitted.

Mr. O'Brien indicated that there would only be one main entrance sign.

Mr. O'Brien continued but was inaudible due to the lack of using the microphone.

Discussions took place in regards to the canopy signage, with one facing Petersburg Road and one facing Fruitville Pike.

Mr. Sturla asked if the signs would be lit on the canopy.

Mr. O'Brien indicated that it would only be lit to the extent that the ordinance currently provides and that right now it allows a letter to be lit but not the background, therefore our proposal would include the lettering being illuminated.

Mr. Wolf asked if there would be any price per gallon signage on the convenience store canopy sign.

Mr. O'Brien answered no.

Mr. Rathman questioned the regulations for flashing lights.

Mrs. Hoffer indicated that it will be a fixed display and flashing lights would not be permitted.

Further discussions took place on the regulations concerning lit signage and Mr. Sturla indicated that PRDs are developed right in the middle of residential areas with an expectation that there will be more residential look than a commercial look.

Mr. Sturla indicated that the expectation of a PRD is that the commercial will be complimentary to the residential with the residential being the leading element and this expectation was promised to the surrounding residential community.

Mr. Sturla indicated that he is less concerned about the request for the signage requests on the buildings because they are not lit, but when he sees a monument sign out there it has a visual impact on him.

Mr. Sturla advised that he is concerned with the monument sign and the canopy sign being located in a residential area and that it's going to take some more thought process and understanding.

Mr. Wolf indicated that he thought the monument sign, beyond the need it may serve for the tenants, could also be a community tie in for the whole PRD project, so that people don't just drive by and think that there's just another commercial corner that was developed.

Mr. Wolf continued by stating this it kind of creates the boundaries that the planning members wanted with the PRD, at the edge of the boundaries of that PRD.

Mr. Wolf stated that most new residential subdivisions have entrance signs into their development that neighbors would prefer not necessarily to have, but the Township has many and thought that they all looked well and they really define that particular community.

Mr. Wolf indicated that the planning members should let the monument sign proposal sink in a little more and not to just look at it from a signage standpoint but look at it how it fits in overall.

Mr. Sturla stated that the canopy should be required to be architecturally complimentary of the development and the planning members need to ensure that the sign is as well.

Mr. Rathman indicated that he has a concern with trying to tie in an electronic sign into the residential and questioned what would happen if, right up the road at the Brighton PRD, another electronic sign goes in.

Mr. Sturla stated that the issue with the monument sign has to be viewed globally and looked at as to whether or not it should even be there, along with the need to have control of the design and what it looks like.

Mr. Sturla asked how the five (5) acres of commercial is defined. Mr. Sturla indicated that with the Wetherburn Commons PRD it is easy to define because it is a separate piece from the residential, however, with the other PRDs, there is really no way to define it and whether or not that required acreage would or could include the open space in order to get to the five (5) acres.

All of the planning members were in agreement that there wasn't much concern with the building signage portion of the petition permitting the twenty-four (24) square feet, or the modifying of the 8" letter height requirement on the building signs.

Mr. Sturla made the suggestion that the applicant revise the current amendment removing the center sign and canopy sign portion out of the amendment and re-filing a separate text amendment for those two items.

Mrs. Hoffer indicated that they would pursue that option.

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

On a motion by Mr. Wolf, seconded by Mr. Reed it was recommended to table this Text Amendment Petition.

Motion Approved 6-0.

2. Susquehanna Bank – Conditional Use Request - Wetherburn Commons PRD - Fruitville Pike and Petersburg Road - Zoned R-3.

Present representing this Conditional Use Request was Mr. Felix Bartush, Bartush signs.

Bartush Signs is proposing a building sign with eleven, three-eighths (11 3/8") inch lettering and a 32 inch logo.

Discussions regarding this request to permit the height of letters to exceed the 8 inch maximum height, specifically for the Susquehanna Bank sign, were held in conjunction with the above Text Amendment Petition for the Wetherburn Town Center, LP.

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

On a motion by Mr. Wolf, seconded by Mrs. Hollinger it was recommended to table this Conditional Use request.

Motion Approved 6-0.

***Note: The tape recording failed temporarily during the next two presentations. Minutes are per staff notes.*

3. Text Amendment Petition of Penn Ketchum - Penn Cinema - 541 Airport Road - Request to amend the Manheim Township Zoning Ordinance (restaurant use)- Zoned I-3.

Presenting this Text Amendment Petition was Mr. Penn Ketchum.

Mr. Ketchum indicated that he leases thirteen (13) acres from the Lancaster Airport and that ten (10) of those acres are currently being used for his theater, Penn Cinema, and for parking for the theater.

Mr. Ketchum indicated that he is proposing a restaurant on the remaining three (3) acres.

Mr. Ketchum indicated that presently restaurants are permitted by special exception in the I-1 and I-2 Industrial Districts and that adding the same to the I-3 District would only follow suit.

Someone asked if the restaurant would be attached to the theater or separated from the theater.

Mr. Ketchum indicated that it would be completely separate from the movie theater.

Someone asked if the restaurant would have drive thru capabilities.

Mr. Ketchum indicated that a drive thru would not be permitted.

Planning members felt that this request is similar to rezoning leased land since the majority of the I-3 Industrial land is owned by the airport and that the airport cannot sell any of their properties, they must lease the property.

Planning members indicated that they wish to preserve the I-3 district because there are Industrial users out there, but because of the airport owning a lot of the land and only leasing it, those industrial uses aren't there because leasing land is not attractive to an industrial user.

Someone mentioned the restaurant at the airport and it was noted that the restaurant at the airport is an accessory use to the airport, which is located within the terminal, this proposal is a whole separate structure and would not be considered an accessory use to the theater.

Further discussions took place regarding this request and it was noted that the Planning Commission was also not in favor of this movie theater being located in the I-3 Industrial District when it was going through the approval process.

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

On a motion by Mr. Wolf, seconded by Mr. Reed it was recommended to deny this Text Amendment Petition.

Motion Approved 6-0.

4. Text Amendment Petition of Penn Ketchum - Penn Cinema - 541 Airport Road - Request to amend the Manheim Township Zoning Ordinance (theater churches/community clubs)- Zoned I-3.

Presenting this Text Amendment Petition was Mr. Penn Ketchum.

Mr. Ketchum indicated that the zoning officer read in the paper that church services were being held at the movie theater on Sundays and that he was contacted by Sam Maurer who advised him that churches are not permitted in the I-3 Industrial District, therefore, he was not permitted to lease out space at the movie theater for church services.

Mr. Ketchum indicated that he was upset about this because the church only transforms the one theater and only on Sundays when the theater is not yet open. Mr. Ketchum indicated that the church members are out of the building by 11:00 a.m.

Mr. Ketchum indicated that the theater is not a church, therefore he could not understand the reason behind Mr. Maurer's communication advising him that the church could not hold their services in the movie theater.

Mr. Sturla explained the zoning regulations in regards to Mr. Maurer's communication and action regarding the theater being used as a church and indicated that Mr. Maurer is abiding by the regulations of the Zoning Ordinance which does not permit a church use in the I-3 Industrial District.

Mr. Sturla indicated that the movie theater is permitted in the I-3 Industrial District by special exception as a Commercial Recreation Facility and that uses permitted by special exception do not allow for accessory uses, therefore, leasing the theater out to a church would be considered an accessory use to the movie theater, which again is not permitted.

It was again noted that the Planning Commission was not in support of the theater when that decision was approved and now the planning members felt that this amendment to add and change the language on what's permitted in the theater seems a bit overboard.

Planning members were in agreement that allowing the existing church to hold services Sunday mornings was not a big concern, however, they questioned what would prevent other churches from using every theater space and/or other "community clubs".

Planning members also thought that the definition for community club is too vague and leaves the door wide open for anyone calling their organization a community club. Planning members thought that this definition should be tightened up and should be more specific and actually state what types of clubs.

Planning members thought that this proposed text amendment was overkill if all the applicant was seeking was to permit the existing church to operate on Sunday mornings for a few hours.

Planning members suggested that staff take another look into whether or not this text amendment would be the last avenue to permit this church or whether some other text amendment or accessory use amendment could be proposed.

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

On a motion by Mr. Reed, seconded by Mr. Rathman it was recommended to table this Text Amendment Petition.

Motion Approved 6-0.

Public Comment

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

Mr. Rathman expressed his concerns regarding the specific permission request for The Crossings at Conestoga Creek.

Mr. Rathman indicated that he has concerns in light that the Planning Commission was told, during the Conditional Use process that the stormwater management would be addressed during the land development phase of the project and that he is now concerned that if the Specific Permission request does incorporate the No-Harm/stormwater management concept in any way right now, that when the plan goes through the land development process, the applicants could tell the planning members that the issue has already been approved by the Board of Commissioners a part of the Specific Permission request process.

Mr. Rathman further stated that, in light of what has transpired with the RLPS New Office Building plan and the Act 167 study being used only a planning tool and must still be verified, the calculations used to support The Crossing's Specific Permission request are also based on the Act 167 study and should also be viewed as incomplete until they provide their own stormwater analysis justifying the Act 167 flows, data, etc.

Mr. Rathman indicated that he has serious concerns about the proposed No-Harm option due to the potential impacts to downstream property owners and that he doesn't agree with the stormwater methodology that was used to arrive at the developer's claim of No Harm. Mr. Rathman indicated that he believes that additional information needs to be provided to support their No-Harm claim considering a project of this magnitude and the potential impacts to downstream properties.

The planning members all agreed that they would have liked to review the specific permission and modification requests prior to the applicants seeking approval from the Commissioners. Planning members requested copies of the specific permission request and listing of the modifications being requested and any related documentation.

Adjournment

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

The meeting was adjourned at 10:15 p.m.

The next Regular Planning Commission meeting is scheduled for Wednesday, August 20, 2008 at 6:30 p.m.

Respectfully submitted,

Shannon L. Sinopoli