

**MANHEIM TOWNSHIP
PLANNING COMMISSION
MINUTES
Wednesday
June 18, 2008**

A meeting of the Manheim Township Planning Commission was held on Wednesday, June 18, 2008 at 6:30 p.m. The following members were present: Mr. Jeffrey Sturla; Mr. Michel Gibeault; Mr. Cory Rathman; Mr. Donald Reed; Mrs. Mary Ellen Hollinger and Mr. Michael Martin. Mr. Robert Wolf 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 May 21, 2008 meeting minutes.

On a motion by Mr. Gibeault, seconded by Mr. Rathman, it was recommended to approve the May 21, 2008 meeting minutes.

Motion Approved 6-0.

Comprehensive Plan Update

Mrs. Douglas provided the planning members and audience with an update of the progress of the Comprehensive Plan.

Mrs. Douglas indicated that the Steering Committee met on May 28, 2008 to continue discussions relative to land use and land use terms.

Mrs. Douglas indicated that there was discussion about the area around Neffsville and how to develop or redevelop the area and the Village of Oregon area.

Mrs. Douglas stated that there were discussions about the stretches along Manheim Pike, Harrisburg Pike, Fruitville Pike and Route 283, which are predominately older developed areas and there has been consideration given to identify these areas as urban transition areas.

Mrs. Douglas indicated that the next Steering Committee meeting will be on June 25, 2008 at which time following up on land use will be the first item on the agenda followed by taking a look at a draft future land use map. Mrs. Douglas reminded the planning members that the future land use map is different than the zoning map.

Mrs. Douglas indicated that after the land use discussions are wrapped up, transportation discussions will follow.

Mrs. Douglas advised that the next Steering Committee meeting will be held June 25, 2008 at 7:00 a.m. here at the Township offices.

Old Business

A. Development Plans

1. Worthington Planned Residential Development - Final Phase I - Oregon Pike - Zoned R-2; R-2 (Bonus Density); R-3 and B-1.

Present representing this Final Phase I Plan was Mr. John Mahoney, Attorney for the Applicant; Mr. Jeff Rutt and Ms. Diane Frame, Keystone Custom Homes; Mr. Mark Johnson, RGS Associates and Mr. Craig Mellott, Traffic Planning and Design.

Mr. Mahoney provided a brief overview of a meeting that was held at the Township office on May 29th with Township staff, Township Engineers; Township Planning/Zoning Solicitor; Planning Commission member Jeffrey Sturla; representatives from Keystone Custom Homes (applicants) and representatives from PADOT.

Mr. Mahoney indicated that the HOP (Highway Occupancy Permit) Conditions Statement is close to being finalized.

Mr. Mahoney indicated that the applicants had agreed to submit the design drawings for the Phase II (the offsite road improvements) to PADOT and the Township by today, which occurred this afternoon.

Mr. Mahoney stated that the applicants would need to agree to the terms of the conditions statement which would require Keystone to pay for an expedited review of HOP and agree not to seek the issuance of a permit for a second home or any commercial building until such time as an HOP for the off-site improvements is issued.

Mr. Mahoney stated that there are some policy decisions for the Township to make before the HOP Conditions Statement can be finalized. Such as stormwater maintenance responsibilities.

Mr. Mahoney indicated that the applicants are flexible on how to solve the problem. PADOT says that they own the road and you can't put water on their road unless it's just sheet flowing across the ground. PADOT wants the Township to be the permittee for Stormwater Management Permit.

Mr. Mahoney indicated that Mr. Sturla was not in favor of that idea (Township being permittee) and suggested that Keystone come up with a different solution.

Mr. Mahoney advised that this issue can be resolved in any number ways; 1) The Township could tell PADOT that they will be the permittee; 2) Possibly PADOT could make Keystone the permittee, which would eventually assign

the maintenance to all of the home owners and the commercial occupants; 3) Put money aside in a budget.

Mr. Mahoney stated that the Board of Commissioners needs to tell them what they want Keystone to do before they can finalize the HOP Conditions Statement as well as the Home Owners Association Declarations in order to put the responsibility and the maintenance of the Stormwater Management related to the highway improvements, if need be.

Mr. Mahoney stated that they would really like the Planning Commission to make a recommendation to the Board of Commissioners advising them that the Planning Commission thinks that the Phase I plan is ready for release for recording and approval shall be conditioned upon finalization of the HOP Conditions Statement, which will get hammered out.

Mr. Sturla asked Mr. Mahoney to clarify what the issues are that Mr. Mahoney would like the Commissioners to decide on?

Mr. Mahoney indicated that first off, the Planning Commission needs to inform the Board of Commissioners that the HOP Conditions Statement should impose a requirement on the developer/applicant to refrain from asking for the second building permit until the HOP for Phase II (the offsite road improvements) is approved and issued. Secondly, the Board of Commissioners will need to agree to be the permittee on the Stormwater Management associated with the HOP; or assign the responsibility to the developer and its successors for maintaining the Stormwater Management improvements that are required as a condition of the supplemental HOP.

Mr. Sturla stated that during the May 29th meeting with PADOT, it was clearly stated to Keystone that PADOT was not going to allow anyone other than the Township to be the permittee for the drainage maintenance. Mr. Sturla asked if PADOT has changed their minds.

Mr. Mahoney indicated that it was reported to him that PADOT would be willing to allow Keystone to be the permittee, however, after speaking with Mr. Tom Haist from PADOT; apparently, that is not what PADOT is prepared to do and now the applicants are in the position that the government just needs to tell them what to do and they'll do it.

Mr. Sturla advised that the Township needs to make sure that they are the third party beneficiary in the HOP Conditions Statement for the financial securities and that this needs to be clarified so that the Township, without a doubt, is to be included in the decision making.

Mr. Sturla indicated that the township does not want to be the beneficiary of any PADOT decision and that the Township needs to have just as much right to enforce the obligations as PADOT does.

Mr. Mahoney indicated that he doesn't think that is really required, but if that is what he is told, then they are fine with the Township being third party beneficiary.

Mr. Sturla stated that, as far as the drainage/stormwater issue goes, that will have to be taken up with the Board of Commissioners.

Mr. Sturla indicated that the conduit for the traffic signal will be installed in Phase I, however, it will not be fully installed and operational until traffic counts warrant such. Mr. Sturla asked how often the traffic counts would be conducted.

Mr. Mellott responded every six months.

Mr. Sturla asked who enforces this requirement for traffic counts every six months and who makes sure that the counts are actually conducted, where do the reports go and what's the penalty if the applicant does not provide the counts?

Mr. Mahoney indicated that Keystone wants to be able to pull the second building permit as quickly as possible, which would be the first home that they sell, so there is economic incentive on the developers' side.

Mr. Sturla indicated that he would like to see something put in the conditions statement so that the Township is copied with the reports and if that if the Township does not receive the reports by such and such date, then no further building permits get issued.

Mr. Sturla indicated that the Township's precedent with the construction of roadway improvements has always been that the first guy in pays for the entire improvements.

Mr. Mahoney replied that he understands.

Mr. Gibeault asked what building permits for homes can be pulled based on HOP Phase I permit and HOP Phase II permit.

Mr. Mahoney indicated that the sequencing is that they will not record the plan until the HOP for Phase I has been issued by PADOT. After that HOP is received, some land development, roughing out roads, site access construction, will be complete and a model home will be constructed. Mr. Mahoney advised that Keystone will not ask for a building permit for the second home until the permit for the offsite, Phase II improvements is issued and then Keystone has a year to complete those Phase II improvements.

Mr. Gibeault asked how many homes could be built while the Phase I site construction is taking place and questioned if Keystone is still planning on building the commercial component relatively quickly.

Mr. Rutt responded that the commercial component is a part of Phase I and that they are still planning on constructing the commercial as soon as they can in order to help pay for the roadway improvements.

Mr. Sturla questioned the requirement for Keystone to obtain releases for indemnification in light of the concerns of the adjacent doctors' office which opposed restricting their current access. Mr. Sturla stated that Keystone is required to obtain releases from all of the adjacent property owners affected by this development. Mr. Sturla asked if this is still a condition of getting HOP Approval (to get releases from all these parties).

Mr. Mellott indicated that it is a process that you have to go through demonstrating every good faith effort that you have made and if you still can't obtain the release, then you have to indemnify. Mr. Mellott indicated that that is where Keystone is right now with the Phase I frontage improvements.

Mr. Sturla questioned the number of properties being touched by this development and how many releases have been obtained.

Mr. Mellott advised that there are seven properties, five of which disagreed and two agreed. Mr. Mellott indicated that no work is occurring on their properties, it's simply improvements inside the right-of-way along their frontage and PADOT has accepted the fact that indemnification will be required.

Mr. Sturla stated that his concern is passing this plan onto the Board of Commissioners without all of the language being in the HOP Conditions Statement and not being completed.

Mr. Sturla advised that he would hate to pass this along to the Board of Commissioners since they will have to be brought up speed with everything that has transpired the past few months.

Mr. Sturla stated that he would have rather had the finalized version of the conditions statement in front of the planning members tonight as a document to push forward, which is really a lot of give and take by both parties.

Mr. Mahoney stated that they cannot get to the Board of Commissioners until they have a final version of the Homeowners Association documents, but they need to know what the homeowners will be responsible for and if that includes the maintenance of the stormwater drainage, therefore the Commissioners need to tell them what they need to do.

Mr. Sturla indicated that his concern is about some of the items that are showing as current issues, however, they are the same issues that have been discussed and resolved during the May 29th meeting, so his main concern is that when this plan goes to the next level, all of these same issues (which everyone has already come to an understanding of and a compromise on),

there is going to be latitude taken and that Keystone will try to run through all of these items again because it's a new set of eyes looking at it.

Mr. Sturla reiterated that he would've much rather had this condition statement done, which was another thing that was agreed on at the May 29th meeting.

Mr. Sturla asked if there are any site issues to address from the latest comment review letter.

Mr. Johnson indicated that there were a series of administrative items on the review that they will be taking care of; however, one of the biggest plan issues was a funny little thing that they didn't anticipate.

Mr. Johnson indicated that they had 2,341 square feet of wetlands that they had to mitigate for the Brookshire Drive crossing and that as a part of that, the DEP is requiring conservation easements over the wetlands.

Mr. Johnson indicated that they thought that it was just a matter between the applicant and DEP and that it wasn't a regulatory matter with the Township, therefore they hadn't previously shown the wetlands or easements.

Mr. Johnson advised that in addition, Keystone is working on another development in another Township that needed 6,823 square feet of wetlands mitigation, for which he just added to the Worthington site and just expanded the other wetlands.

Mr. Johnson indicated that when Township staff became aware of what they were doing, they were asked to show this importing of wetlands, and were questioning whether or not the Township should accept wetlands from other municipalities.

Mr. Johnson advised that if this is going to complicate this plan and there are issues with Keystone importing wetlands from another Township, they will look at another solution for that project and just take the wetlands off the plans, although he thinks it's a good thing and a minor thing.

Mr. Sturla indicated that the planning members looked at it and that one of their biggest concerns is that the wetlands come right up to the homeowner's property lines.

Mr. Sturla stated that open space is a big part of planned residential developments and although wetlands can be used as overall open space area calculations, open space doesn't make sense when it can't be used and wetlands cannot be used for recreation.

Mr. Sturla indicated that this is the first time that they've seen any wetlands delineated on this plan and asked Mr. Johnson if they could mitigate somewhere else on the property so as to not infringe on the back yards of these residential homes.

Mr. Johnson indicated that they will just take the mitigation areas off the plan.

Mr. Sturla questioned the modification request to allow the plan to be recorded prior to HOP approval.

Staff indicated that the modification request was withdrawn this morning.

Mr. Reed questioned what can be built in Phase I over what period of time and when will the commercial component will be constructed?

Mr. Johnson indicated that as part of Phase I: 103 single family homes; 10 semi-detached homes and 38,850 square feet of retail can be built.

Mr. Reed stated that, in response to the projection of building 2 homes a month, it could take Keystone 7-8 years to complete Phase I.

Mr. Rutt indicated that they are hopeful that the market will improve, and are planning to develop the commercial component immediately, market pending.

Mr. Reed asked if someone, offsite, would develop ahead of Keystone.....is Keystone asking to have the other developer improve a particular portion or at least have them pay a portion of it.

Mr. Mahoney responded that Keystone is hoping to get a provision in the HOP Conditions Statement to allow for a joint effort in the construction or cost of roadway improvements if need be.

Mr. Reed indicated that Mr. Sturla advised that this is not a Township precedent and asked Mr. Mahoney if is going to remove that language and get rid of it.

Mr. Mahoney indicated that they are still going to ask for it and that the Township will probably tell us to remove it from the HOP Conditions Statement.

Mr. Rutt indicated that he is trying to understand the logic of this provision and that through the past how ever many years, there have been improvements along Oregon Pike, and then Keystone decides in 2008 to build their project and they have \$2 million in improvements to make and it would be an unfair burden to not even allow them to have the door open to other developments that come in next year and pay for a pro-rated portion of that and share some of the costs.

Mr. Reed asked Mr. Mahoney who decides what the next developer's burden is.

Mr. Mahoney stated that when the Township did the Transportation Capital Improvement Plan, it said there are (at this one intersection), \$500,000

worth of improvements that need to be done, and Keystone has said to PADOT that they will do those improvements, and some more off site improvements.

Mr. Mahoney indicated that It would be great, in the course of selling two homes per month over the next 5, 6 or 7 years, someone would come in and say that they would help out Keystone, partner up and work together.

Mr. Mahoney indicated that Keystone would be willing to do the \$500,000 for this improvement, but that there might be \$300,000 that they would like to see the next developer contribute towards the \$800,000.

Mr. Mahoney advised that if they can get PADOT to agree and PADOT says, you have to do the \$800,000 and we are going to assume that that is going to be built, it's a bad assumption because if someone else comes in ahead of us and gets approvals for development and starts construction and those are improvements that are necessary and identified right now without future development, a developer might come in and say that they'll contribute to the cost of the improvements.

Mr. Reed stated that such agreement would be between Keystone and the next developer, not PADOT or the Township and therefore, such language should not be in the HOP Conditions Statement.

Mr. Sturla asked Mr. Mahoney if PADOT or the Township is asking Keystone to do any improvements that are not warranted for this particular project.

Mr. Mahoney answered that the improvements that Keystone is doing are improvements that are required because of existing conditions regardless of whether this project were to be developed.

Mr. Sturla stated that for this project to go forward, regardless of any other development, the reality is that the Traffic Impact Study and PADOTs offsite requirements are improvements that are required just because of this development and not someone else's development.

Mr. Sturla questioned what about the next developer that comes in and has to do improvements to Oregon Pike two miles further out, is Keystone going to help foot the bill with them and if the next developer comes in and has to add a traffic light, is Keystone going to chip in more?

Mr. Sturla stated that this is why he feels uncomfortable pushing this plan up to the next level (Board of Commissioners), when all of these issues, which were thought to be resolved and everyone thought was a good faith effort by the developer, instead everyone keeps going around in circles and now Keystone plans on trying all of this again at the next level.

Mr. Sturla questioned why, after all of these issues that everyone has come to an agreement on, Keystone is now saying that everything is back on the table

again because they'll just take it to the Board of Commissioners and deal with them. Mr. Sturla stated, that is unacceptable.

Mr. Sturla stated, the reality is that he's worried that there are 18 comments here that have been walked through and now basically everyone's time was wasted by giving Keystone responses and directions and now Mr. Mahoney is basically telling everyone to heck with that, he'll try his luck at the next level with the Commissioners.

Mr. Sturla stated that Keystone is at the level that they need to be at to get a recommendation from and that Keystone had everyone believing that it was a good faith effort from them to indicate that they agree, but now Keystone is telling us, no, that's not what they plan on doing...instead, they are going to try and push it at the next level to get everything they want as much as they can.

Mr. Rutt responded by indicating that Keystone will agree to whatever the Planning Commission says.

Mr. Sturla asked for public comment.

Patron #1: Mr. Nelson Rohrer stated that he appreciated Mr. Sturla's stand and for holding the developers accountable for the citizens of Manheim Township.

Mr. Rohrer stated that he has concern for the lack of coordination and communication in a total package when dealing with developers that everybody here has the same understanding of the same issues at the same time. Mr. Rohrer stated that it is a detriment to the way this Township has been operating and the Planning Commission and the Board of Commissioners need to deal with that.

Mr. Rohrer stated that a Commissioner should always be at the Planning Commission meetings and be totally knowledgeable first hand for the Commissioners as to what has transpired during these discussions.

Mr. Rohrer stated that this project is not utilizing any TDRs with this plan and he thinks the Township should hold these gentlemen accountable and that the Township needs to do what is best for the citizens of this Township and indicated to the Planning Commission that they have done a good job of it and thanked the planning members.

Mr. Gibeault indicated that normally the planning members have a clear understanding of the plans that come before them requesting a recommendation to move onto the Board of Commissioners, however, with this plan, the Planning Commission is all still trying to grasp this project as a whole because something always seems to change and there are too many items and issues out there that need to be tightened up. Mr. Gibeault suggested the applicants take the next 30 days and wrap it all up in black and white and then come back to the Planning Commission in July.

Mr. Rutt responded that they are under extreme financial pressure to move this plan to the next level and would really appreciate a recommendation this evening.

Mr. Rutt advised that they have tried over the last two weeks (since the May meeting) to get everything tightened, it just hasn't happened as quickly as they wanted. Mr. Rutt indicated that they have agreed to the condition that Keystone is responsible for all of the improvements and have agreed to everything, now they just need to move forward.

Mr. Mahoney responded but was inaudible due to the lack of using the microphone.

Mr. Sturla indicated that the HOP Conditions Statement needs to be reviewed and approved by the Township Staff and Township Solicitor prior to going in front of the Board of Commissioners.

Mr. Mahoney indicated that if the Township Staff and Township Solicitor advise that Keystone is on the hook for all of the road improvements and that's what PADOT tells us, then that's what Keystone will have to live with.

Mr. Sturla advised Mr. Mahoney that he would have to provide a set of finalized conditions over to the Township staff by June 25th, and if the HOP Conditions Statement is approved by both the staff and solicitor, then the plans may go to the July 14, 2008 Board of Commissioners meeting, however, if not, then the plans will sit and wait until those conditions are approved by the Township Solicitor and Township Staff before going to the Board of Commissioners.

Mr. Mahoney and Mr. Johnson responded but were inaudible.

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

On a motion by Mr. Gibeault, seconded by Mr. Rathman it was recommended to approve this plan and modifications subject to a clean review letter and an approved HOP Conditions statement by Township Staff.

Motion Approved 6-0.

2. 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 provided updates and revisions to the plan since the April Planning Commission meeting.

Mr. Potter indicated that the general layout remains the same, however, the building has shifted more towards Valleybrook Drive and more towards Oregon Pike to give them a little more area and less fill within the floodplain.

Mr. Potter indicated that, per staff recommendation, the plans are now showing the extension of the public waterline to the extent of Delp Road.

Mr. Potter indicated that this project is proposing grading and an easement through PPL's right-of-way and property. Mr. Potter advised that PPL is currently looking in this area for a wetland mitigation area that they had a meeting with the DEP and the Army Corp. of Engineers whom have identified this property as a prime location to expand wetlands and to do a wetland remediation project.

Mr. Potter discussed a few of the most recent comments and the modifications being requested.

Mr. Potter discussed the methods used to establish the peak flow rates for the floodplain and explained that there were three different studies conducted in that area. One was the FEMA study, which did not include the entire site, second was a full blown floodplain study conducted by HRG back in 2001 for the site and third is the Act 167 study conducted by Lancaster County in 2003.

Mr. Potter indicated that the Township Engineer is concerned about the mix matching of studies and the calculations submitted for the peak flow rates due to the applicant using peak flow values from the Act 167 Study and incorporating them with the HRG Floodplain study conducted in 2001.

Mr. Potter indicated that the Township Engineer is requesting independent and detailed calculations be provided to justify the correct peak flow rates, which could either be acceptable, or could really impact the project as a whole.

Mr. Rathman thought that the Act 167 Study was sufficient enough to use.

Staff advised Mr. Potter to further discuss this comment with the Township Engineer.

Mr. Potter advised that the proposed pedestrian walking path bridge, which would cross over the floodplain, is going to require a joint permit and that the current plans are only showing an easement for the path to be constructed in the future when the joint permit is issued.

Discussions took place in regards to the walking path easement and the extension of this walking path through the lands of PPL in order to connect to

the Worthington path. It was suggested that Mr. Potter review the Worthington plans with Township staff to propose an accurate connection point.

Additional discussions involving the potential for wetland mitigation took place.

Mr. Potter indicated that the existing site currently consists of a high percentage of wetlands and the potential wetland mitigation area would be surrounded by existing wetlands and would only be adjacent to one commercial user.

It was also noted that this wetland remediation agreement with PPL, if accepted, could be conditioned upon PPL permitting the non-motorized path through their property for the connection with the Worthington path which would be a great benefit to the Township residents.

Discussions took place regarding the modification requests from reconstructing Delp Road and Valleybrook Road to Township specifications in light of future development of the Catholic school and the potential for the development of the adjacent residential plot (Erb Property) and potential for the connection of both Delp Roads.

Suggestions were made to defer the widening of Delp Road and tie any reconstruction to the future development of the Erb property; or in connection with the development of Lot 2, whereby RLPS would have to reconstruct the entire frontage along Delp Road prior to Lot 2 development.

Mr. Sturla advised that he was unsure of what they could really tie it to, and that the Township has done a Fee In Lieu Of, but nothing else and he's not sure the Township would be able to tie this to anything firm.

Mrs. Douglas indicated that the development of Lot 2 would have to come back through the entire planning process, in which case, the improvements could be tied to the development of Lot 2.

Brief discussions took place regarding the modification request for parking lot curbing. The applicant is providing some curbing and around the interior islands, however, a retaining wall is proposed around the outside of the parking area.

Planning members suggested that in lieu of deferring from providing sidewalk along Lot #2 (modification request), the applicant should supply another walking path easement that would straddle property lines between Lot #1 & 2 and run from Valleybrook Drive, west through the site, and connect to the existing easement running north to south.

Stormwater modification request discussions took place.

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).

B. Rezoning/Text Amendment/Conditional Use/Ordinances

1. **Manheim Township – Text Amendment Petition requesting to amend the Manheim Township Zoning Ordinance (regarding apartments, building height and TDRs in Cluster Developments in R-1, R-2 and R-3 Districts).**

Mrs. Lisa Douglas, Township Staff presented both Text Amendment Petitions.

Mrs. Douglas advised that this text amendment as well as the one to follow have been presented and discussed over the past two months at the April and May Planning Commission meetings and that no new information is available for presentation.

Mrs. Douglas indicated that since the first presentation, there have been some modifications to the landscaping and buffer screening requirements in order to amplify those requirements with any height increase.

Mr. Rathman asked Mrs. Douglas to repeat what the additional requirements were.

Mrs. Douglas indicated that previously, a 10 foot wide buffer was required, and now the requirement is 25 feet. Further, previous language stated that a combination of trees and shrubs shall be provided. The new language states that a combination of evergreens and shrubs are required. In addition, language was tightened up pertaining to plant selection and height at time of planting necessities.

Mr. Reed stated that when these text amendments were brought to the Planning Commission from the Commissioners, two of the Commissioners had no idea that these were on their agenda.

Mr. Reed stated that the Township did a community survey and one of the questions was whether or not to encourage or discourage apartments. Mr. Reed stated that by 5-3, residents said they did want any more apartments.

Mr. Reed stated that there was a deliberate misleading statement in the survey regarding 2 story versus 3, 4, or 5 stories, or more stories and yet out of the people surveyed, 53.4% said to limit it to 35-40 feet. Mr. Reed stated and now the proposal is 50 feet, whereby only 28% of the surveyed residents agreed to that.

Mr. Reed indicated that he agrees with Mrs. Douglas and thinks that the staff did a good job in modifying the amendments in regards to screening, but felt that if the Township conducts a community survey, then the Township should try and agree with the results.

Mrs. Douglas indicated that certainly the Manheim Township Planning Commission and Commissioners have a challenge in that also in the survey, there was an overwhelming indication to preserve agricultural land and open space, therefore, the whole purpose of these text amendments again is to look at providing another opportunity to utilize TDRs in order to preserve land.

Mrs. Douglas stated that, in terms of apartments, they are currently permitted in the ordinance in the R-3 District and are permitted in the R-1 and R-2 Cluster with the bonus density overlay district. These amendments are simply to try and expand in those areas that would currently permit them.

Mr. Reed stated that when the TDR program was first put in the Commissioners put \$1 million in the budget and since then, the board has changed and there has never been another penny that has been put in since, except this year, there is \$150,000.

Mr. Reed stated that most of the TDRs that the previous group of Commissioners bought have been sold by the Commissioners, however, the money was never put back in to purchase more TDRs. Mr. Reed stated that the entire TDR program needs a lot of work.

Mr. Sturla asked for public comment.

Patron #1: Mr. Nelson Rohrer indicated that when the TDR program was established....for every TDR that existed, there were two receiving areas and stated that the program, as of the year 2000, really stopped being implemented by the Commissioners and this community went another direction. Mr. Rohrer indicated that as a result of that, we are now looking at a deficit of areas to receive the TDRs and Worthington is a fine example of that.

Mr. Rohrer stated that in the original survey, when the Agricultural Zone was established, there was 76% of residents that supported Ag Preservation, and that in the last survey that number increased to 83%. In both surveys, the people of the Township indicated that they would be in support of using tax dollars to buy TDRs, which the Commissioners used to do.

Mr. Rohrer stated that the density of the Township was also looked at when the program was established and that there were two things heard. The residents were telling the board that they didn't want to increase it and the developers were saying that they didn't want to decrease it. Mr. Rohrer stated that density was balanced and there was never a bit of density lost.

Mr. Sturla replied to Mr. Rohrer by clarifying the meaning of these two

amendment proposals and advising that they are not intended to increase densities.

Mr. Sturla indicated that these amendments are intended to keep the same densities, but allow a builder to build up instead of out, whereby they will be able to use up less land and TDRs would be required.

Mr. Rohrer thanked Mr. Sturla for the clarification.

Mrs. Douglas advised that the new public hearing date will be now set for August 11, 2008 in order to receive county comments.

Motion by Mrs. Hollinger, seconded by Mr. Rathman, it was recommended to approve this text amendment petition.

Motion approved 5-1 (with Mr. Reed opposing).

2. Manheim Township - Text Amendment Petition requesting to amend the Manheim Township Zoning Ordinance (regarding apartment building height and TDRs in the R-3 District).

Refer to the discussions above as this amendment was discussed as part of the above Text Amendment Request.

***Note: Refer to any comments regarding either text amendment above.*

Motion by Mrs. Hollinger, seconded by Mr. Gibeault, it was recommended to approve this text amendment petition.

Motion Approved 5-1 (with Mr. Reed opposing).

New Business

A. Development Plans

1. 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. Mark Deimler, Strausser Surveying and Engineering.

Mr. Deimler provided a brief overview of the plan indicating that there are no improvements proposed at this time and that it is a lot add-on plan consisting of the shifting of lot lines and combining of parcel tracts in order to end up with two parcels that are close in size.

Mr. Deimler indicated that these lots are being created for the future housing of two single-family detached dwellings which would require future stormwater management plan submission.

Mr. Deimler indicated that there is currently a residential home on the site that straddles the new lot lines, however, all existing structures are proposed to be removed as part of this plan.

Mr. Deimler indicated that since the first review comments were issued, two additional modification requests are being sought.

Mr. Deimler stated that one of the additional requests is for the access onto Valley Road, where the ordinance requires that access be via the street of the lesser classification. Mr. Deimler indicated that this access currently exists and that trying to access Delp Road would be a struggle due to significant sloping.

Mr. Deimler ran through the remaining modification requests.

Mr. Deimler discussed the area being proposed for dedication to Manheim Township along Delp Road, adjacent to the lands owned by the Commonwealth of Pennsylvania.

Mr. Deimler indicated that in previous meetings with staff, the dedication of this area was discussed in anticipation of the potential for future realigning of and connection of Delp Road and Kissel Hill Road.

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

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

Motion Approved 6-0.

B. Sketch Plans

1. Hess Tract - Sketch Plan - Landis Valley Road - Zoned R-2.

Present representing this Sketch Plan was Mr. Jerry Horst, property owner and Mr. Robert Gabriel, engineering consultant.

Mr. Horst and Mr. Gabriel presented a sketch plan of a Planned Residential Development for the Hess Tract located on the northeast side of Landis Valley Road, between the Settlements of Landis Valley and the Calvary Church.

Mr. Gabriel indicated that there are some site constraint due to a large gas line running through the property.

Mr. Horst indicated that the total area consists of 41 acres and that this sketch plan proposes 46 single family detached, 44 single family semi-detached, 40 townhomes, 50 apartments and approximately 27,000 square feet of commercial area.

Suggestions were made in regards to keeping the Commercial component as close the Landis Valley Road in order to keep it viable.

Mr. Horst questioned the need for commercial uses in that particular area.

Planning members felt that commercial tenants would be a value to the development.

Mr. Horst indicated that with this proposal, 60 Transferable Development Rights (TDRs) would be necessary.

Planning members thanked Mr. Horst and Mr. Gabriel for presenting their sketch.

Mr. Horst and Mr. Gabriel indicated that they will be making some changes and will be bringing those back to the Planning Commission for a second review.

Public Comment

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

Adjournment

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

The meeting was adjourned at 10:35 p.m.

The next Regular Planning Commission meeting is scheduled for Wednesday, July 16, 2008 at 6:30 p.m.

Respectfully submitted,

Shannon L. Sinopoli