

Planning Commission Meeting Minutes
April 15, 2013

The regular meeting of the East Lampeter Township Planning Commission was held on Monday April 15, 2013 at the East Lampeter Township Office 2250 Old Philadelphia Pike Lancaster, PA 17602. Chairman John Keylor called the meeting to order followed by the Pledge of Allegiance. Other Commissioners present were Mr. Siesholtz, Mr. Stumpf and Mr. Ranck. Mr. McCuen was absent. Also present was Tara A. Hitchens, Township Zoning Officer.

The following persons signed in as being present:

Lawrence Kratz, PLS – Heller Subdivision
Dan Heller - Heller Subdivision
Chris Brown – Derck and Edson for Lancaster Mennonite Schools
Harvey Heller – Heller Subdivision
Barbara Heller – Heller Subdivision
John Lapp – Lapp's Toys
Marlin Groff – Lancaster Mennonite Schools
Tom Smithgall – High Associates
Luke Weber – Hartman, Underhill and Brubaker for High Associates
Mark Stanley – Hartman, Underhill and Brubaker for High Associates
Chris Lach – The Dennis Group for Con Agra Foods
Steve Gergley – Harbor Engineering for Glenn Deamer
Landon Deamer – Glenn Deamer
Robert Miles – GCM for Burger King

Minutes:

The minutes of the March 18, 2013 meeting were approved with the correction of Mr. Siesholtz name and the fact that they were March 18, not March 19 on a motion by Mr. Siesholtz and a second by Mr. Ranck, all in favor.

Old Business: None

New Business:

a) Heller Subdivision - Mr. Larry Kratz represented the subdivision. Mr. Kratz went through the David Miller Associates letter and discussed the sketch for the remainder of the site.

On a motion by Mr. Stumpf and second by Mr. Ranck, with all voting in favor to approve the subdivision per the David Miller Associates letter of 4/15/13 and the 2/12/13 LCPC letter.

b) Lapp's Toys - Mr. John Lapp requested a 60-day time extension of the waiver of land development request in the event that the Board of Supervisors does not approve the waiver of land development at their meeting tomorrow night. Mr. Lapp is moving forward with a stormwater management plan at this time.

On a motion by Mr. Keylor and a second by Mr. Siesholtz, all voted in favor to approve a 90-day time extension.

c) Business Park Zoning Text Amendment - Mr. Mark Stanley and Mr. Tom Smithgall represented the petition. Mr. Stanley went through a brief history indicating that the mapping issue that existed has been resolved, the applicant received comments from David Miller Associates and LCPC and revised the zoning text amendment to address those comments. The applicant has been before the LIMC's LUAB, West Earl Township, and Upper Leacock Township for general consistency under both the Conestoga Valley Regional Comprehensive Plan and Growing Together, A Comprehensive Plan for Central Lancaster County. Mr. Stanley indicated that with some definitions and with some regulations the applicant attempted to create a place holder between the 1990 Zoning Ordinance and the draft zoning ordinance. In some cases, the proposed draft zoning ordinance definitions were utilized and in other cases new definitions were provided. In addition, the use issues were worked through and bulk and general requirements and supplemental regulations were created. The applicant believes this zoning text amendment would fit with the new ordinance.

Mr. Smithgall indicated that the goal is to implement the joint comprehensive plans and the County comprehensive plan. Mr. Smithgall believes that there is still an appropriate amount of land use controls at the Township level. In addition, he believes that the proposed text amendment provides guiding principles for Greenfield Corporate Center. Mr. Smithgall believes that the proposed zoning text amendment allows for compatible development patterns with uses that have not typically been allowed at the park. Mr. Smithgall indicated that another reason for the proposed changes is for flexibility to the changing market. The applicant would like to move the area forward in a holistic way while sustaining and creating a good tax ratable for the Township and Lancaster County as a whole. Mr. Smithgall noted that the proposed zoning text amendment has evolved over time to meet the needs of the Township and High and requested a positive recommendation from the Township Planning Commission.

Mr. Keylor questioned if the applicant was still wishing to amend the 1990 zoning ordinance?
Mr. Smithgall - yes.

Mr. Keylor questioned if the applicant felt there would need to be a second process to move this proposal from the 1990 ordinance to fit in the proposed draft ordinance? Mr. Stanley - market demands and business knowledge were utilized to arrive at the square footage numbers that are seen in the Business Park Zoning Text Amendment especially for convenience stores.

Mr. Keylor noted that the proposed draft ordinance may be wrong if the numbers in this zoning text amendment are to meet the market, then maybe changes need to be made. It was also noted that this amendment may be problematic to fit into the 1990 ordinance and then move forward.

Mr. Smithgall indicated that the Township Board of Supervisors advised the applicant to look at an amendment to the 1990 ordinance and that is why they are here with this zoning text

amendment. This was an earnest attempt to make amendments to the 1990 ordinance. Mr. Smithgall did note that the applicant didn't necessarily take the comments of Hawk Valley Associates into account as this is an amendment to the 1990 ordinance not an addition to the proposed draft ordinance, which is all Hawk Valley Associates provided and the proposed draft ordinance has not been adopted and it is unsure when it will be adopted. Mr. Smithgall indicated that the applicant's reaction to the proposed draft ordinance was that the market was not being addressed and was creating non-conforming uses and stops some business in the future in Greenfield.

Mr. Keylor acknowledged that both parties had a missed opportunity in not working together through this process. Mr. Keylor stated that both the applicant and the Township Planning Commission need a concept of development from the Township Board of Supervisors. Mr. Keylor noted that the David Miller Associates review letter still has 143 comments which still seem problematic.

Mr. Smithgall responded by stating that the Zook/Esh/Yoder farms of approximately 100 acres and the old Ramada site will try to address uses that this ordinance amendment would allow. Majority of the Zook/Esh would be flex industrial, remaining lands, approximately 20 acres, would be utilized for multi-family and commercial at the old Ramada site. The applicant has attempted to be consistent with what has already been developed at Greenfield. Mr. Smithgall noted that he will not bring in a concept plan because he does not want that one plan to come back as the one that everyone remembers and thus the only one that has to be met in the future development of the corporate center.

Mr. Keylor questioned why the applicant doesn't just zone the 20 acres to residential? Mr. Stanley noted that the Township Board of Supervisors told the applicant to bring something that is needed in the market or that the market is calling for. Knowing that the Township Board of Supervisors has the ultimate decision, the applicant went to the Board for direction prior to starting down this road. Mr. Stanley noted that the Township Board of Supervisors said to bring what the applicant is capable of marketing. Mr. Stanley stated that in some aspects the review that was performed by Hawk Valley Associates was utilized, but if it didn't fit the market they are dealing with then it was not used. Mr. Stanley stated that the zoning text amendment doesn't change anything to do with developments of Regional Impact and that those that fall within that category would still need to go before the Township Board of Supervisors for a conditional use process with public hearings to impose reasonable conditions. Mr. Stanley went on to state that he believes if the Township Planning Commission were to mark all the comments in the David Miller Associates review letter that it would be evident that there are comments repeated throughout the review. Mr. Stanley also noted that if there were any issues found between the adoption of this zoning text amendment and the adoption of the proposed draft zoning ordinance that a technical amendment could be completed.

Mr. Smithgall stated that he works on public/private relationships in another part of his career and if he were in the Township Planning Commission seat he would ask the applicant the following questions:

Has High invested in the Township? What's in it for me as the Township? What are the negative impacts? What's the risk? Mr. Smithgall noted that the Township Planning Commission should look at who they are dealing with, a family owned business that lives and works in the Township for decades that has invested in a high quality environment with quality buildings, recreational facilities, and open space who is trying to keep people at Greenfield Corporate Center. He believes the risks are low for this planning commission to give a positive recommendation.

Mr. Stumpf noted that the High's are appreciated and basically have a mixed use in the park presently but the David Miller Associates letter had a lot of remaining comments.

Mr. Smithgall indicated that at one point one side of Colonial Village Road is zoned C-2 and the other is Industrial. At some point the planning and zoning staff can't make that call, thus need to go the Zoning Hearing Board. If you believe the regional plans should move forward, and then need to change the ordinance. Mr. Stanley stated that he understands that the Township doesn't want to feel like they are losing land use controls.

Mr. Stumpf noted that he never liked the residential component that the applicant has been proposing in the text amendment.

Mr. Keylor questioned how changes to the zoning text amendment might be handled? Mr. Stanley stated that they could be handled under Section 108 of the PA Municipalities Planning Code.

Mr. Keylor noted that there is existing housing in the Greenfield area and it is zoned R-3, he questioned what was wrong with this district being used? Mr. Smithgall stated that the problem with the proposed draft ordinance is that there is not allowed a building over 150,000 square feet because then 3 stories would be needed and no one is going to build a three story industrial building and no one is going to build an industrial building in the middle of residential area that is existing.

Mr. Keylor questioned why the zoning text amendment includes residential? Mr. Smithgall answered, Why not shouldn't the district be inclusive? Mr. Keylor stated that certain types of infrastructure are necessary for different uses. Mr. Smithgall believes it is consistent with both the Conestoga Valley Regional Comprehensive Plan and the Growing Together Comprehensive Plan and the County Comprehensive Plan to have a mix of uses. Mr. Stanley added that if you have a residential zone adjacent to an industrial zone then you have an artificial setback with one zone having building setbacks and separation distances which is how Greenfield was developed. Walking to work and shopping is exactly what Growing Together calls for all other business parks to be designed as.

Mr. Siesholtz thanked the applicant for being at the meeting and starting the dialogue. He noted that all believe general consistency and that the intent is in the spirit of smart growth. Now the devil is in the details. There is a need to flush out what will work for High and the

Township. Without a doubt High has done a wonderful job at Greenfield. Mr. Siesholtz was at somewhat of a loss as to why development couldn't happen under the existing zoning as it has in the past. Mr. Siesholtz provided that a concept plan could be completed every five years or so in order to keep the dialogue going. Mr. Siesholtz believed that a concept could be achieved with a continued open dialogue.

Mr. Ranck noted that he doesn't like to tell people what they can do with their property but he does have a few issues with the potential for multi-family on 20 acres because of the loss of industrial land and he isn't sold on the idea of people living above their work place.

Mr. Stumpf asked Mr. Keylor if he could go back to the draft ordinance board and see if anything can be cleaned up to address some of the market issues.

Mr. Keylor indicated that he didn't believe the applicant had arrived but did feel they have made great strides. Mr. Keylor went on to note that if the market tells us something different then the Township shouldn't be writing an ordinance that's out of date by 5 years. Some uses should still be special exception. Mr. Keylor stated that the Township Planning Commission needs guidance from the Township Board of Supervisors on this issue.

Mr. Stanley noted that the applicant doesn't want to be further caught in the middle.

Mr. Siesholtz stated that the proposed draft ordinance needs to be looked at further because there are some concerns. High is far more on the pulse of what the market is calling for and the Township could/should use that information to make the best ordinance.

Mr. Smithgall stated that if the Township Planning Commission hasn't been convinced then recommend denial or that the Township Board of Supervisors should consider the review letters.

Mr. Siesholtz questioned if the Township Planning Commission should make a motion to get a recommendation on the concept from the Township Board of Supervisors and then the details could be worked out?

Mr. Keylor stated that the concepts were great and think that we are on the right track but not sure the details get the Township to the right concept. Mr. Keylor appreciated the honesty from both sides tonight and wants to support this gateway.

Mr. Siesholtz believed the review comments from David Miller Associates and Hawk Valley Associates are not what is needed and there are a lot of comments related to an unadopted draft ordinance which is not the real issue. Mr. Siesholtz would like to see review letters related to the 1990 ordinance only.

There were no public comments.

On a motion by Mr. Keylor and a second by Mr. Siesholts with all voting in favor to not

recommend approval of the Business Park Zoning Text Amendment as presented. In appreciation of the cooperation of High and the discussion tonight, Mr. Keylor requested that the Township Board of Supervisors give guidance as to the overall concept and policy proposed so that the Township and High can move forward in a timely manner with Mr. Keylor willing to assist to arrive at the best ordinance possible for both an amendment and in the proposed draft ordinance.

d) Burger King - Robert Miles of GCM represented the applicant and explained the hazard that occurs when a patrons enters the site from Route 340 and attempts to utilize the drive through window. Mr. Keylor commended the applicant for proposing the changes.

On a motion by Mr. Stumpf and a second by Mr. Ranck, all voted in favor to approve the waiver of land development subject to the applicant discussing the change in ingress/egress of the site with PennDOT.

e) Lancaster Mennonite Schools - Mr. Chris Brown of Derck and Edson represented the applicant and provided a general history of the overflow parking proposal of 2011. Mr. Brown went through the David Miller Associates letter of April 14, 2013 and the LCPC letter of April 9, 2013.

Mr. Keylor questioned if the applicant is moving 56 students, will the building they are currently in be filled with students? Mr. Marlin Groff of Lancaster Mennonite Schools noted that the school is unsure at this time. Mr. Brown verbally amended the waiver request of the 50 foot right-of-way along Route 30 as the site can provide the right-of-way without the waiver.

On a motion by Mr. Siesholtz and a second by Mr. Stumpf, all voted in favor to approve the final land development plan subject to the April 14, 2013 David Miller Associates review letter and the April 9, 2013 review letter of Lancaster County Planning Commission and the stipulation that the applicant receive water capacity approval prior to requesting a building permit to the satisfaction of the Township Zoning Officer if there is no City approval provided.

g) Glenn Deamer 144 North Ronks Road - Mr. Steve Gergley of Harbor Engineering represented the applicant. Mr. Gergley went through the David Miller Associates letter of April 1, 2013 and indicated that the applicant would request a deferral of curb and sidewalk improvements which is related to waivers 4, 5, and 7 stated in the April 1, 2013 letter of David Miller Associates. Further, Mr. Gergley indicated that there are no new uses on the site, thus he would argue that the park and open space requirements would not apply. There was a brief discussion about the parking around the trees with Mr. Siesholtz voicing concern and Mr. Stumpf indicating he was not concerned given the current stone around the trees. Mr. Gergley noted that people have been parking there for a very long time and the entrances to some of the units are directly across from this parking area.

Mr. Gergley indicated that the PennDOT HOP is still needed. Mr. Ranck noted that the curb and sidewalk in along the frontage towards the bridge is in a worn down condition and that the

Planning Commission has been requiring that curb and sidewalk be provided in all new development.

Ms. Hitchens noted that the application will be before LCPC on 4/28/13, thus no letter was available at the time of this meeting.

On a motion by Mr. Stumpf and a second by Mr. Siesholtz, with all voting in favor to recommend that the land development plan be approved based on the David Miller Associates letter of 4/1/13 with granting of waivers 1,2,3 (with approval from PennDOT) and 6 and that in regards to waiver requests 4,5 and 7 the improvements to the south of the driveway shall be replaced and the improvements to the north of the driveway shall be deferred to a time as seen fit by the Board of Supervisors. As to waiver 8, the applicant must discuss with the Board of Supervisors. Further the motion was subject to the LCPC comments when they are received by the Township.

h) Con Agra Foods – Mr. Chris Lach of The Dennis Group representing Con Agra Foods described the minor addition of 450 square feet to the loading dock that was granted approval by the Zoning Hearing Board.

On a motion by Mr. Ranck and a second by Mr. Stumpf, with all voting in favor to recommend approval of the waiver of land development and given the size of the development the applicant should not have to provide for sidewalk and curbing around the three street frontages.

f) Wenger - tabled until May 2013 meeting of the Township Planning Commission on a motion of Mr. Keylor and a second of Mr. Ranck with all voting in favor.

Briefing Items: staff gave brief reviews of each of the following proposals

- a. Country Acres Campground
- b. Volleyball Corner
- c. East Lampeter Township Zoning Code Text Amendments
- d. Amendment to the ASA

Other Business:

- a. LUAB – both the Business Park zoning text amendment and the Township Zoning Code Text amendment were reviewed by LUAB and found generally consistent with the regional comprehensive plan, Growing Together.

Adjournment:

On a motion by Mr. Stumpf, a second by Mr. Siesholtz, and a unanimous voice vote, the

meeting was adjourned at 11:07pm. The next Planning Commission meeting will be held on Monday May 13, 2013 at 7:30pm at the East Lampeter Township Office 2250 Old Philadelphia Pike, Lancaster, PA 17602 to accommodate the primary elections held in this building.

Respectfully submitted,

Tara A. Hitchens, AICP, Director of Planning/Zoning Officer

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