

**DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
November 5, 2014**

CALL TO ORDER

The Wednesday, November 5, 2014 Derry Township Planning Commission meeting was called to order at 5:59 p.m. in the meeting room of the Derry Township Municipal Complex, 600 Clearwater Road, Hershey, PA, by Vice Chairwoman Joyce St. John.

ROLL CALL

Commission Members Present: Joyce St. John, Vice Chairwoman; Glenn Rowe, Secretary; Ned Wehler

Commission Members Absent: Matt Tunnell, Chairman; Gregg Mangione

Also Present: Brandon Williams, Assistant Director of Community Development; Matt Bonanno, HRG, Inc.; Diane Myers-Krug, Dauphin County Planning Commission representative; Jenelle Stumpf, Community Development Secretary

Public Registering Attendance: Glen Sponaugle and Ross Santangelo, Room One Corporation; Dan Creep, LSC Design; Charles Huth, *The Sun*; Tony Potter, Powell Trachtman; Greg Koussis, Capital Construction Management; Brian Cooley, D.C. Gohn Associates; Matt Flickinger and Lou Mione, Titan

APPROVAL OF MINUTES

Secretary Rowe and Member Wehler were not present at the October 7, 2014 meeting; therefore, the Commission deferred the approval of the minutes until the December meeting.

OLD BUSINESS

- A. Report of the Board of Supervisors' action regarding adoption of Ordinance No. 652, amending Chapter 225 (Zoning) of the Code of Ordinances to change the zoning classification of 10.25 acres of land within Deer Run Commons from a Multi-Family Residential classification to an Attached Residential classification; and adoption of Resolution No. 1405 to amend the Comprehensive Plan**

Mr. Williams stated that the Board of Supervisors adopted the ordinance and resolution.

- B. Report of the Board of Supervisors' action regarding the Preliminary/Final Subdivision Plan for Tyrone J. and Cecelia C. Kreamer and Swatara Station Partners, LLC, Plat #1224**

Mr. Williams stated that the Board of Supervisors conditionally approved the plan.

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C. Report of the Board of Supervisors' action regarding a waiver from filing a land development plan, as requested by Derry Presbyterian Church

Mr. Williams stated that the Board of Supervisors granted the waiver.

D. Review and recommendation of the Preliminary/Final Land Development Plan for Hilton Garden Inn Hershey – Building Addition, Plat #1244

Mr. Williams explained that the subject property is located on the west side of, and immediately adjacent to, the Park Village Plaza shopping center. It is bordered on the north by Walton Avenue and on the south by East Main Street. Plat #1244 depicts the addition of 13 rooms to the existing 99-room hotel. The maximum floor area ratio in the General Commercial zoning district is .30. This proposal will expand the floor area ratio to .42, for which relief has been granted by the Zoning Hearing Board.

Mr. Williams and Matt Bonanno, HRG, went over their plan review comments.

Member Wehler inquired about the specific problem that precipitated the applicant's request for a waiver regarding 2-year/24-hour volume increase. Mr. Bonanno responded that with the volume control the water is being infiltrated. The applicant had provided a geotechnical report stating that the site contains limestone areas and an existing sinkhole, and that the percolation rate in the existing basin is not very good. For these reasons, the applicant decided to request the waiver and provide additional water quality-type BMPs on the site. Member Wehler asked if the existing basins rely on infiltration. Mr. Bonanno answered no, they have outlets. Member Wehler asked if the basin could be enlarged or lined so that the 2-year flow control is established. Mr. Bonanno responded that the way to meet the 2-year flow is to infiltrate it. The basin is currently acting as peak rate control for the 1-year through 100-year storms, and the applicant is proposing street sweeping, soil amendments, and a rain garden for the water quality control aspect.

Dan Creep, LSC Design, represented the project. Mr. Creep stated that the applicant is able to make the revisions required by the plan review comments.

MOTION ON WAIVERS

On a motion made by Secretary Rowe, seconded by Member Wehler, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that waivers requested from the Subdivision and Land Development Ordinance and Stormwater Management Ordinance be granted as follows:

- a. From Sections 185-12.D.(3).(a).[9] and 185-13.E.(4).(a).[9] regarding the requirement to show existing features within 200' of the property.
- b. From Sections 185-12.D.(3).(a).[21] and 185-13.E.(4).(a).[19] regarding providing profiles of the existing, undisturbed storm sewer lines.
- c. Sections 185-12.D.(3).(a).[23] and 185-13.E.(4).(a).[21] regarding providing profiles of the existing, undisturbed gas and water lines.

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- d. From Section 185-18.C regarding monuments.
- e. From Section 174-13.B.(1).(a) regarding 2-year/24-hour runoff volume increase.

MOTION ON PLAT #1244

On a motion made by Secretary Rowe, seconded by Member Wehler, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that Plat #1244 be approved, subject to the following being satisfactorily addressed:

- a. The comments in Item 3 of the Township staff report.
- b. The comments in the October 16, 2014 HRG letter.
- c. The comments in the October 21, 2014 DTMA letter.

NEW BUSINESS

A. Review and recommendation of the Preliminary/Final Subdivision and Land Development Plan for the Hershey Volunteer Fire Company, Plat #1246

Mr. Williams stated that this project represents the renovation and expansion of the Hershey Volunteer Fire Company's existing firehouse. The property being developed assembles 6 tracts into 1. The tracts include the present location of the Hershey Volunteer Fire Company at 21 West Caracas Avenue, properties known as 31 and 35 West Caracas Avenue, a remnant of land from the Cocoa Avenue realignment, and 2 portions of vacated alleys. The final size of the tract will be 1.145 acres. The property has frontage on both West Caracas Avenue and Cocoa Avenue. Parking is provided by way of 10 on-site spaces and 14 off-site spaces. The off-site spaces are reserved within the adjacent parking lot that is subject to the Shared Parking Agreement which was enabled under a conditional use granted by the Board of Supervisors. Authorization for the 14 off-site parking spaces was granted by the Zoning Hearing Board on October 15, 2014, along with some other minor relief for parking setbacks. The overall site development will result in a reduction of impervious area.

Mr. Williams and Matt Bonanno, HRG, went over their plan review comments.

Secretary Rowe commented that he is pleased to see there is a parking agreement in place, but he has questions about how the agreement works. He asked if the parking lots next to and behind the Hershey Theater are part of that agreement. Mr. Williams responded no. Secretary Rowe asked if special events will be held at the firehouse. Brian Cooley, D.C. Gohn Associates, stated that it will still be used as a polling location, but there will not be any banquets or other functions.

Member Wehler inquired about the standard that has to be met regarding fire hydrant flow rate. Mr. Bonanno responded that it is based on the site's fire demands and whether the existing fire hydrant

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flow can handle those demands during a fire event. The applicant is responsible for providing the calculations for the demand, which are then reviewed by HRG.

Brian Cooley noted that the applicant does not have any concerns regarding addressing the plan review comments.

MOTION ON WAIVERS

On a motion made by Secretary Rowe, seconded by Member Wehler, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that waivers from the Subdivision and Land Development Ordinance and Stormwater Management Ordinance be granted as follows:

- a. From Section 185-12.D.(3).(a).[9] regarding showing the location of all existing features within 200 feet of the tract of land to be subdivided or developed.
- b. From Sections 185-12.D.(3).(a).[21] and 185-13.E.(4).(a).[19] regarding profiles of existing and proposed storm sewer or conveyance systems, with the stipulation that proposed laterals be profiled.
- c. From Sections 185-12.D.(3).(a).[22] and 185-13.E.(4).(a).[20] regarding profiles of existing and proposed sanitary sewer systems, with the stipulation that proposed laterals be profiled.
- d. From Sections 185-12.D.(3).(a).[23] and 185-13.E.(4).(a).[21] regarding profiles of existing and proposed gas and water systems, with the stipulation that proposed laterals be profiled.
- e. From Section 185-22.D.(3) regarding providing additional right-of-way and cartway width for Cocoa Avenue and West Caracas Avenue.
- f. From Section 185-23.C.(2).(c), (d) regarding base course and wearing course cartway construction.
- g. From Section 185-34.A.(2) regarding sidewalk construction standards as they relate to the elevation of the sidewalk versus the street, with the stipulation that the applicant change the citation reference from Appendix E-1 to Section 185-34.A.(2).
- h. From Section 174-17.A.(6) regarding the invert of stormwater facilities located two feet above limiting zone.
- i. From Section 174-17.C.(2) regarding minimum pipe size.
- j. From Section 174-17.C.(6) regarding inlets providing a two inch drop.

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MOTION ON PLAT #1246

On a motion made by Secretary Rowe, seconded by Member Wehler, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that Plat #1246 be approved, subject to the following being satisfactorily addressed:

- a. The comments in Item 3 of the Township staff report.
- b. The comments in the October 16, 2014 HRG letter.
- c. The comments in the October 22, 2014 DTMA letter.
- d. Determine if the spaces across the street from the firehouse that are marked as “No Parking” can be eliminated or if they need to be supplemented as a result of the building expansion. Any alteration of the existing condition will require an ordinance to amend Chapter 210 (Vehicles and Traffic) of the Township’s Code of Ordinances. If a modification is necessary, the applicant shall prepare a draft ordinance.

B. Review and recommendation of Zoning Petition No. 2014-05, as filed by Prometheus One, LLC, to change the zoning of multiple parcels of land located along the west side of Middletown Road, across from the Dartmouth Farms development, from Agricultural/Conservation and Village Residential classifications to an Attached Residential classification; and the accompanying request to amend the Comprehensive Plan Future Land Use Plan

Mr. Williams explained that this petition represents a request to rezone approximately 11.64 acres of land to an Attached Residential zoning district. As submitted, it includes up to 7 parcels of land comprised of tax parcels no. 24-055-029 (which contains a dwelling), 24-055-049, 24-055-050, 24-055-053, 24-055-057, 24-055-058, and an area of land not presently accounted for in the current deeds. A major portion of the property is owned by Prometheus One, LLC. Tax parcel no. 24-055-049, containing 3.753 acres by deed, is owned by Kenneth J. Wenger. The applicant provided no evidence that Mr. Wenger either consents to or contests the rezoning of his property. Upon staff’s recommendation, the applicant has requested that an “in the alternative” proposal for just the 7.83 acres of land of Prometheus One, LLC and the tract presently not deeded be considered. Portions of the lands are presently zoned Agricultural/Conservation and other portions are zoned Village Residential. The property is located on the west side of Middletown Road, approximately 0.4 miles north of the Derry Township/Londonderry Township boundary.

Staff’s recommendation is that the land be rezoned to Attached Residential as requested; and also that the rest of the property which is located south of Joann Avenue, west of Middletown Road, and north of Swatara Creek Drive should be zoned Attached Residential.

The Dauphin County Planning Commission has recommended that requested rezoning and Comprehensive Plan amendment *not* be implemented.

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Vice Chairwoman St. John stated that when the applicant made their initial submission (for the rezoning of 1 parcel of land) in April 2014, Township staff made a recommendation that was more in line with the County's current recommendation. She asked why staff's recommendation has now changed. Mr. Williams responded that with the applicant's acquisition of additional land, the area proposed for rezoning has increased. Development of this more substantial area should be less likely to be perceived as an island of development different than its surrounding area.

Member Wehler asked if Mr. Wenger has been contacted. Tony Potter, attorney for the applicant, stated that attempts to contact Mr. Wenger were made, but no response was received. Member Wehler asked if precedents have been set in which rezoning of land without the owner's consent has been overturned by a court. Mr. Williams stated that he is not aware of any such precedents. Mr. Potter added that such action is not prohibited by the Pennsylvania Municipalities Planning Code. He noted that the applicant has been working diligently with Township staff, and significant steps have been taken by the applicant to acquire additional land in order to get to the point where staff is now making a positive recommendation on the request.

Mr. Potter stated that the increased density under the Attached Residential zoning district makes sense for the parcels proposed for rezoning. The existing Village Residential zoning allows for single family dwellings, but each driveway would be entering directly onto Middletown Road. The applicant thinks this proposal is a better option.

John Murphy, Alpha Consulting Engineers, commented that the sketch plan provided with the rezoning request depicts private roads, with the main access being across from Dartmouth Road at approximately a 15-foot off-set. It is possible that the access can be lined up more closely with Dartmouth Road as a result of the land development plan submission.

Member Wehler noted that the Subdivision and Land Development Ordinance prohibits an offset intersection such as what is proposed. Mr. Murphy responded that they believe they can make it work once they get to the land development plan phase.

Mr. Murphy commented that the age-targeted proposed product type for the units is single floor living, which usually attracts buyers who are over 50 years of age. The proposed development would complement the surrounding area and would be successful from a marketing standpoint. The sketch plan depicts 28 semi-detached units. Regarding staff's concern about the homeowners association fees, Mr. Murphy does not think the fees will be an issue because the units will not be cheap and the prospective buyers will be fully informed about the monthly fees.

Regarding the possibility of 17 driveways connecting to Middletown Road as the result of the by-right development of single family dwellings under the existing Village Residential zoning, Secretary Rowe commented that he highly doubts PennDOT would allow that many driveways connections to Middletown Road.

Mr. Potter stated that the applicant is requesting approval of the rezoning for the 7.83 acres owned by the applicant; and, as suggested by Township staff, to allow the proposed revised Comprehensive Plan to address the rezoning of the other tracts.

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MOTION

On a motion made by Member Wehler, seconded by Secretary Rowe, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that the rezoning represented by Petition No. 2014-05 be implemented for the 7.83 acres of land owned by the applicant, based on the merits of the arguments that staff presented in their recommendation, and that the accompanying Comprehensive Plan amendment be implemented.

OTHER BUSINESS

None.

ADJOURNMENT

The meeting adjourned at 7:22 p.m.

Respectfully submitted,

Glenn Rowe
Secretary

Submitted by:

Jenelle Stumpf
Community Development Secretary