

**DERRY TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES  
February 4, 2014**

**CALL TO ORDER**

The Tuesday, February 4, 2014 Derry Township Planning Commission meeting was called to order at 6:00 p.m. in the meeting room of the Derry Township Municipal Complex, 600 Clearwater Road, Hershey, PA, by Matt Tunnell.

**ROLL CALL**

Commission Members Present: Matt Tunnell; Joyce St. John; Glenn Rowe

Commission Members Absent: Gregg Mangione; Ned Wehler

Also Present: Chuck Emerick, Director of Community Development; Diane Krug, Dauphin County Planning Commission representative; Jenelle Stumpf, Community Development Secretary

Public Attendance: Charles Huth, *The Hummelstown Sun*; Brian Evans, Evans Engineering, Inc.; George Porter, 909 East Chocolate Avenue, Hershey; Ken Gall, Hershey Trust Company; Dave Tshudy, Pepper Hamilton; Matt Weir, 1986 Church Road

**APPROVAL OF MINUTES**

On a motion made by Member St. John and seconded by Member Rowe, the Planning Commission unanimously approved the minutes of the December 10, 2013 meeting as written.

**REORGANIZATION**

On a motion made by Member Rowe and seconded by Member St. John, the Planning Commission unanimously approved reorganization for 2014 as follows:

Chairman – Matt Tunnell  
Vice Chairwoman – Joyce St. John  
Secretary – Glenn Rowe

On a motion made by Secretary Rowe and seconded by Vice Chairwoman St. John, the Planning Commission unanimously nominated Joyce St. John to serve as the Planning Commission's representative on the Design Review Board.

**OLD BUSINESS**

None.

**NEW BUSINESS**

- A. Review and recommendation of Zoning Petition No. 2013-02 as filed by Derry Presbyterian Church to change the zoning classification of land located north of East Derry Road, west of**

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**Miller Street, and south of the railroad tracks from Village Residential and Economic Development to Neighborhood Commercial; and the accompanying request to amend the Comprehensive Plan**

Secretary Rowe disclosed that he is a member of Derry Presbyterian Church, but he does not think it is a conflict of interest for him to participate in the discussion and vote on the proposal.

Chuck Emerick reported that the petitioner desires to rezone 8 parcels of land, containing a total of approximately 1.7 acres, in order to demolish the existing building at 245 East Derry Road and construct a house that will be used as an office for Love INC. (Love In the Name of Christ). Mr. Emerick stated that many of the uses existing within the subject area are already commercial in nature and in fact, this zoning change would create more conforming uses than what currently exists on the 1.7 acres. The zoning change would not be consistent with the Future Land Use Plan of the Township Comprehensive Plan; therefore, an amendment is necessary. However, Mr. Emerick noted that the zoning change would be consistent with the Dauphin County Comprehensive Plan's Future Land Use element.

Mr. Emerick recommended that the Planning Commission provide an affirmative recommendation to the Board of Supervisors regarding both the zoning amendment and the Comprehensive Plan Future Land Use Plan amendment.

Diane Krug, Dauphin County Planning Commission representative, stated that the Commission supports this proposal.

George Porter represented the applicant. Secretary Rowe asked if the Church received any feedback from the 2 neighbors whose properties are included in the rezoning request. Mr. Porter responded that both neighbors have consented in writing to the rezoning. He added that one of the neighbors (who is handicapped) is concerned that people will park in front of his house; however, the Church has an abundance of parking nearby, and additionally, the proposed office will not require a lot of parking. Most of the work is done by telephone and there are not many walk-ins. The other neighbor, who is also a member of the Church, is very supportive of the project.

**MOTION**

On a motion made by Vice Chairwoman St. John, seconded by Secretary Rowe, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that the proposed zoning amendment and the Comprehensive Plan Future Land Use Plan amendment be adopted.

**B. Review and recommendation of a waiver from filing a land development plan as requested by the Hershey Trust Company, Trustee for Milton Hershey School, regarding the removal of a bank building and the construction of a full-service restaurant at the Hershey Square shopping center**

Mr. Emerick stated that this request is for relief from processing a land development plan as required by the Derry Township Subdivision and Land Development Ordinance. The request involves the Hershey Square shopping center, in the area near Panera Bread. The applicant proposes to demolish an existing bank building and construct a new full-service restaurant. Mr. Emerick noted that a land development plan is generally processed to look at development zoning criteria, and in this case, the criteria can be reviewed

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during the course of the approval of zoning and building permits for the building. Additionally, the Trust Company has already sought relief from the Zoning Hearing Board regarding parking requirements.

Regarding traffic impact, the Township has commissioned a substantial traffic study of the Walton Avenue/Hersheypark Drive/Mae Street intersection. The applicant in this waiver request is a stakeholder in that study and will likely participate in the establishment of improvements required, with or without a land development plan. Mr. Emerick recommended that the waiver be granted.

Diane Krug, representative for the Dauphin County Planning Commission, is of the opinion that the Municipalities Planning Code prohibits the full and complete waiver of a subdivision or land development plan. Mr. Emerick noted that the Township solicitor does not agree with the County's interpretation. The County did not review this waiver request.

Secretary Rowe asked if the footprint of the bank is being replaced identically by the restaurant. Brian Evans of Evans Engineering responded that the bank contains 2,150 square feet, and the Trust Company is looking at a restaurant pad site of approximately 5,650 square feet. The increase in impervious coverage can be addressed as part of the stormwater management plan that will be submitted to the Township. The project will not exceed the impervious coverage limit for the site. Mr. Emerick added that the Township's Subdivision and Land Development Ordinance exempts the addition of 2,500 square feet of new principal building, so had the proposal been a little smaller, the applicant would not have even needed to request this waiver.

Secretary Rowe stated that the bank generated less traffic than a sit-down restaurant, and the restaurant will coincide with peak hours. He asked if the study of the Walton Avenue/Hersheypark Drive/Mae Street intersection took the restaurant proposal into account. Mr. Emerick does not think the consultant is aware of the change of use, but he would guess that they looked at the whole site as a commercial center and did not analyze each use within it. Ken Gall, Hershey Trust Company, commented that the improvements that were designed initially for the shopping center are not being used fully. Mr. Emerick will inform the consultant for the traffic study of the proposed change.

Secretary Rowe thinks the change in use could be the breaking point of requiring traffic improvements and asked if the Trust Company is partaking in the cost of the study or the improvements to the intersection. Mr. Gall responded that they have been discussing this matter with the Board of Supervisors. Mr. Evans stated that even with the change to a more intensive use, they are still under the 100 peak hour trips that would trigger a traffic study. He thinks it would be best to put the money towards actual intersection improvements instead of generating another study that includes the change in use.

**MOTION**

On a motion made by Secretary Rowe, seconded by Vice Chairwoman St. John, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that the requested waiver be granted, with consideration given to the traffic impact study and the impacts that the restaurant will have in place of the bank.

**C. Review and recommendation of a proposed ordinance amending Chapter 225 (Zoning) of the Code of the Township of Derry regarding municipal buildings and uses**

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Mr. Emerick explained the aspects of the ordinance as follows:

- The definition of ‘municipal building and uses’ would be amended to be clearer and more encompassing.
- ‘Municipal-operated outdoor firing ranges’ would be exempted from the list of prohibited uses under Section 225-145.D.
- Section 225-164 would be modified to include municipal buildings and uses in the list of uses that are afforded minimum lot area, minimum lot width, and minimum lot depth exceptions.

Mr. Emerick recommended that the proposed ordinance be adopted.

Diane Krug stated that the Dauphin County Planning Commission supports the ordinance.

Secretary Rowe asked what precipitated this ordinance. Mr. Emerick responded that the Township has been trying for over 20 years to establish a firing range for its police department. He believes the restriction presently in the Zoning Ordinance’s Prohibited Uses section is intended to prohibit general or privately-owned firing ranges and not that of the Township. The police department has for years been having difficulty scheduling time to be able to use the State Police’s facility and those in Palmyra and Hummelstown.

Vice Chairwoman St. John questioned if there would be any setback distance restrictions on a municipally-operated firing range. Mr. Emerick answered no; however, he believes the Township is a responsible agency that looks out for the welfare of its residents.

Secretary Rowe asked what would happen under today’s regulations if the Township proposed the establishment of a firing range, since it would not comply with the regulations. Mr. Emerick responded that the Township would have to seek relief from the Zoning Hearing Board.

Secretary Rowe stated that he understands the police departments need to have a facility, but he also knows there are residents in the Waltonville Road area who are not happy with the noise in that area. He asked why it would not be better to leave the restriction in so that relief is required for each instance, and the community would have the opportunity to speak in favor for or against it. Mr. Emerick reiterated that he does not think the regulations were ever intended to apply to municipally-owned facilities.

Secretary Rowe asked if it is possible that the police department’s facility could be located 500 feet from a residential property. Mr. Emerick answered yes. The point is not to enable a close proximity to a residential area, but so that the police can find a suitable location within the Township. Chairman Tunnell thinks a conditional use approval would be a good way to process a proposal of a firing range; however, since it would be a Derry Township entity, the Supervisors would have to approve the expense and other components of the project, so it would essentially be similar to a conditional use approval. If anyone had concerns about the use, the venue would be in front of the Board of Supervisors instead of the Zoning

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Hearing Board. Mr. Emerick clarified that the exemption for the firing range would only apply to *municipal* uses, not all government uses.

Secretary Rowe was concerned that it looks as though the proposed ordinance was written because the police department wanted a firing range. Mr. Emerick stated that it is not unusual for municipal ordinances to have this kind of general exemption language for municipal uses.

**MOTION**

On a motion made by Vice Chairwoman St. John, seconded by Secretary Rowe, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that the proposed ordinance be adopted.

**OTHER BUSINESS**

Mr. Emerick stated that there was an agenda item for the January 28, 2014 Board of Supervisors meeting for the Stover Farmhouse Sketch Plan, and like the Planning Commission, the Board was uncomfortable with considering the proposal prior to the applicant seeking relief from the Zoning Hearing Board regarding the number of units. The agenda item was tabled.

**ADJOURNMENT**

On a motion made by Secretary Rowe, seconded by Vice Chairwoman St. John, and a unanimous vote, the meeting adjourned at 6:54 p.m.

Respectfully submitted,

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Glenn Rowe  
Secretary

Submitted by:

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Jenelle Stumpf  
Community Development Secretary