

**DERRY TOWNSHIP DESIGN REVIEW BOARD  
MEETING MINUTES  
NOVEMBER 26, 2012**

The meeting of the Derry Township Design Review Board was called to order at 6:00 p.m. by Chairman Phil Guarino in Meeting Room of the Derry Township Municipal Complex, 600 Clearwater Road, Hershey, PA.

**ROLL CALL**

Members Present: Phil Guarino, Chairman; Joyce St. John, Vice Chairwoman; Sandy Ballard, Secretary; Ed Buchan; Pam Moore; Brian O'Day; Ted Herman

Members Absent: Glenn Rowe

Also Present: Chuck Emerick, Director of Community Development; Jenelle Stumpf, Community Development Secretary

Public registering attendance: Keith Heigel, Light-Heigel & Associates, Inc.; Ken Gall, Hershey Trust Company; Gary Gilbert, Apple Retail Properties; Todd Pagliarulo, Hershey Trust Company; Jonathan M. Crist; Chris Brandenburg, Sign-A-Rama; P. Josh Welfle, Red Architecture and Planning

**APPROVAL OF MINUTES**

On a motion by Vice Chairwoman St. John, seconded by Member Moore, and a unanimous vote, the minutes of the November 5, 2012 meeting were approved as presented.

**OLD BUSINESS**

**a. Consideration of new sign for the property located at 441 West Chocolate Avenue (Amy Nguyen [Fingerprints], DRB #323)**

Chris Brandenburg of Sign-A-Rama represented the proposal. He stated that the revised design is similar to the initial submission, but the sign is now proposed to be made of high-density urethane sign board to be in compliance with the Zoning Ordinance. All of the lettering will be carved.

Member Buchan asked if the sign meets all of the size requirements. Mr. Emerick responded that it exactly meets the 20 square feet permitted. Chairman Guarino asked if the proposed colors comply. Mr. Emerick answered yes.

Mr. Emerick asked for clarification as to whether the sign posts will be topped with finials or square caps. Mr. Brandenburg stated that they will be finials.

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The motion to issue a Certificate of Appropriateness for the proposal was made by Member Herman, seconded by Secretary Ballard, and passed by a unanimous vote.

**NEW BUSINESS**

**a. Consideration of proposed development of the property located at 202-214 West Chocolate Avenue (Chipotle Mexican Grill, DRB #325)**

Jonathan Crist, owner of the property at 226 West Chocolate Avenue, stated that he thinks it is premature for the Design Review Board to consider this proposal before the Zoning Hearing Board grants relief to allow a fast food restaurant use on this property.

Mr. Emerick responded that projects usually go to the Zoning Hearing Board for relief first and then to the Design Review Board for approval, and both Boards have a 'final approval' ability. A building permit cannot be issued without a Certificate of Appropriateness from the Design Review Board. Mr. Emerick stated that due to complexity of this proposal, he does not think it is an issue as to which Board the applicant appears before first because one Board's approval will be conditional upon the other Board's approval.

Keith Heigel, Light-Heigel & Associates; Josh Welfle, Red Architecture and Planning; and Gary Gilbert, Apple Retail Properties, represented the proposal.

Mr. Welfle showed a Powerpoint presentation (entitled "Hershey, PA - Chipotle Precedence Study - Red Architecture + Planning") specific to the building design. Mr. Welfle stated that the current proposal before the Design Review Board is "The Cube" prototype, and he showed material samples of the cast stone to the Board. Mr. Welfle pointed out that the purpose of the western wall of the proposed building is to screen utilities. The main entry door faces West Chocolate Avenue. Chipotle does not want to have patio seating in front of the building because it would take away from the main entrance.

Chairman Guarno asked if the patio seating is weather conditional. Mr. Welfle answered yes. There are surrounding walls to enclose the area, but no roof. The patio seating will not be available in the winter.

Mr. Welfle commented that the height of the proposed "Cube" building is about 16 feet to the top of the cast stone. Chipotle is "willing to consider using styles that are not brand identifiable in order to comply with local design restraints" and they included a "Semi-Traditional" building design in the Powerpoint presentation. In response to a question from Secretary Ballard, Mr. Welfle stated that the height of the tallest part of the "Semi-Traditional" building is about 24 feet.

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Chairman Guarno commented that the “Semi-Traditional” building has more of a downtown Hershey feel. Regarding parking, it is not desirable to have exposed areas along West Chocolate Avenue, such as what is being proposed; however, the Design Review Board understands the limitations of the small site. Chairman Guarno recommended that the current parking layout be allowed, but that it be screened differently or that the outside dining be expanded.

Member O’Day asked if the “Semi-Traditional” building is the same size as the proposed “Cube” building (2,200 square feet). Mr. Welfle answered that he is not sure. Member O’Day asked if the Design Review Board needs to address the berm along the back of the site. Chairman Guarno stated that the Board has jurisdiction up to the alley, which would include the berm.

Secretary Ballard stated that she thinks the upper detail of the “Semi-Traditional” building matches downtown Hershey better. In addition to colors and materials, the building should also be compatible to the surrounding area in terms of height – the houses on both sides of the property are about 2.5 stories, plus dormers. Secretary Ballard suggested that if Chipotle built their structure up a little higher, even if it is unused space, it would look more consistent.

Member Buchan commented that the “Semi-Traditional” building shows a lot more character than the other layouts shown earlier in the Powerpoint presentation. He asked if the landscaping at the northwest corner of the site will remain. Mr. Gilbert stated that in his experience, landscaping does not survive through the construction process – things need to be moved, grades need to be changed. Even if it was saved, it would be out of character with the rest of the site’s new landscaping. Member Buchan agreed that it would be important to start over with new landscaping at the northwest corner that would blend in better with the rest of the site.

Vice Chairwoman St. John agreed with the suggestion that if the entire building cannot be made larger, the front part of the “Semi-Traditional” building will at least give the illusion of a taller building. She also thinks the brick on the “Semi-Traditional” building is more compatible with downtown Hershey than the concrete on the “Cube” building.

In response to a question from Member Buchan, Mr. Welfle stated that the site will not contain a drive-through.

Member Herman asked the applicant if they had looked at existing buildings in downtown as part of their research. Mr. Welfle stated that the Chipotle design manager did that. Member Herman asked if any of their research took into

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consideration Milton Hershey's building campaign in the 1930s of Spanish influence and Cuban-style architecture. Mr. Welfle responded that he was not aware of it and will look into it.

Keith Heigel showed a second Powerpoint presentation (entitled "Chipotle Mexican Grill – Light-Heigel and Associates") regarding the site layout. The subject property is comprised of several different tracts. It is technically not a corner lot because of the resulting green space from the Ridge Road relocation. Mr. Heigel stated that the applicant wants to have connectivity with the pedestrian element on both West Chocolate Avenue and Ridge Road. The applicant and Light-Heigel and Associates had discussed situating the building a number of different ways, and they are aware that the preference is to place the building lengthwise along West Chocolate Avenue, but it is difficult to do that with the proposed "Cube" building. Mr. Heigel stated that they think how the building is proposed to be situated allows for the needed parking but also allows for a building envelope so that later on, if development occurs that would allow parking in another location, the parking area to the west of the proposed Chipotle building could be developed so there would no longer be a void between buildings. Because of the property's grade change along West Chocolate Avenue, the applicant did not want to have a curb cut on West Chocolate Avenue. A lot of the properties on this block have a rear access, which the applicant thinks is more compatible with the objective for downtown walkability. Mr. Heigel explained that the site would have a one-way-in access from Ridge Road and two-way access on the alley (South First Street).

Chairman Guarno stated that he is concerned about exiting traffic into the alley because the alley is not maintained and there are no stop signs. Two cars cannot pass each other in the alley and there are no restrictions for one-way traffic flow. Member Buchan commented that these are good points but not within the Design Review Board's jurisdiction.

Mr. Emerick stated that this proposal also requires land development plan approval. South First Street would have to be widened to 18 feet along the proposed property and the developer would have to dedicate additional right-of-way width to the Township. Mr. Emerick does not think access onto Ridge Road should be two-way and he is not in favor of accessing West Chocolate Avenue. In this situation, accessing the alley would be the best alternative. The Township may end up prohibiting right turns out of parking lot into the alley so that vehicles are directed back out to Ridge Road as quickly as possible.

Mr. Heigel noted that it might be better to make the Ridge Road access two-way. There is a utility pole next to the alley that contains 14 wires, a transformer, and 2 underground services. It will be difficult to move this pole if the alley is to be widened. Mr. Emerick stated that the full movement driveway would have to come

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out radially to Ridge Road which would create more of a hard angle into the site. He added that a traffic impact study will be done as part of the land development plan.

Member O'Day asked if there is a required amount of landscaping for the property and whether the planting strip will have to be expanded into the parking area when the alley is widened. Mr. Emerick responded that no buffer is required at that location. Mr. Heigel added that he believes this was addressed under the previous Zoning Hearing Board decision, which granted allowances for the impervious coverage, setbacks, etc. that existed prior to the previous buildings on the site being demolished. Mr. Emerick agreed.

Chairman Guarno stressed that the applicant/developer really needs to look into the dangerous traffic conditions on South First Street.

Member Herman asked if PennDOT will have to review/approve the Ridge Road access. Mr. Emerick stated that Ridge Road is a Township road. Member Herman asked how wide the alley is currently. Mr. Heigel responded that the right-of-way is 15 feet.

Mr. Heigel commented that a raingarden is proposed for infiltration. Sidewalk will be located in a north/south direction with the idea of maintaining pedestrian connectivity to the facility. The sidewalk would cross the driveway in a perpendicular manner and then continue in a meandering fashion to connect to the existing sidewalk along West Chocolate Avenue. It is proposed to maintain a grass/landscaped area at the front of the property that would be similar to other properties in the area. The north edge of the parking area will be cut to a depth of 3 to 4 feet and there will be an elevated landscaped berm to block vehicle headlights from causing glare on West Chocolate Avenue. Having the parking lot in a low area will make it less visible from West Chocolate Avenue because it will be hidden behind the landscaped berm. The Dumpster enclosure will match the materials of the building, and there will be privacy-screened gates to access the enclosure on the alley side.

Mr. Heigel stated that the proposed plan allows for a future envelope of buildings when additional parking may become available in another location. The current plan proposes 27 parking spaces, including 2 ADA spaces, which meets the Zoning Ordinance requirements. There will be loading/unloading areas with the option to use these areas if needed for additional parking when deliveries are not scheduled to be made. The lighting fixtures on the building and in the parking area will comply with Zoning Ordinance regulations and will be indirect, understated, and compatible with the surrounding area. The utility services will be underground and will come into the building from the west side. The front landscaping will include a mix of deciduous evergreens and shrubs.

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Chairman Guarno commented that the parking lots for Houlihan's, The Chocolate Avenue Grill, Royer's, and Rite Aid are accessed from West Chocolate Avenue. He does not think the Design Review Board wants to discourage the applicant from having the access to the site on West Chocolate Avenue if that is what makes the most sense for safety and flow. Secretary Ballard stated it is her understanding from Comprehensive Plan discussions that the preference for site driveways on main streets is they should not interrupt pedestrian-related uses.

Mr. Heigel commented that he thinks the Subdivision and Land Development Ordinance is very specific about having the property access on the lesser of the street frontages. He also thinks the Design Review Board guidelines discourage driveway cuts along West Chocolate Avenue. It is possible that the Planning Commission and Board of Supervisors might deny access onto West Chocolate Avenue. Mr. Emerick stated that the parking facility next to Houlihan's and Devon's restricts left turns into the facility.

Mr. Heigel clarified that although the Design Review Board is looking at a couple of different versions of the proposal, no other plans (i.e. land development plans) are currently before the Township for consideration. Mr. Heigel stated that the 2 islands proposed will have pervious pavers.

Secretary Ballard asked if there could be additional outdoor dining along West Chocolate Avenue to encourage pedestrian activity. She also asked if the raingarden will have plantings as opposed to the large white stone "mulch." Mr. Gilbert responded that there will be both – it works well and always looks well-maintained.

Chairman Guarno questioned whether the Design Review Board has any say in the landscaping of the green space not owned by the applicant. Mr. Emerick answered yes, if the applicant proposing to change it. He reviewed the easement agreement that was made with the Hershey Trust Company and the Township for that area, and the applicant is able to cross the green space to access the site and they are also permitted to landscape it. Mr. Emerick does not know if stormwater controls are allowed in the green space. Ken Gall, Hershey Trust Company, stated that the agreement allows the stormwater controls as part of the land development plan approval.

Chairman Guarno suggested that the applicant should return to the Design Review Board because of the size and complexity of the project. Mr. Heigel stated that having the Certificate of Appropriateness for the site layout prior to the Zoning Hearing Board meeting would help to move the project forward. The applicant could then return to the Design Review Board at a later date for approval on the building and signage details.

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*Public comment:* Jonathan Crist stated that he is an attorney who specializes in real estate development. He asked why the project is proposed at this particular site. It is a small site that is not conducive to a fast food restaurant of the type and volume proposed. He stated that most of the properties along West Chocolate Avenue in this area are accessible only by the alley, which does not allow two cars to pass at once. Mr. Crist questioned how bus parking would be provided. He suggested that the best site for this proposal is in front of the post office because there is a signalized intersection at Linden Road and West Chocolate Avenue.

Chairman Guarno and Secretary Ballard commented that the Design Review Board cannot dictate what property an applicant develops.

Chairman Guarno stated that tonight's approval should include the building pad and the parking area, with the understanding that approval will have to be granted by other boards for the fast food use and many other things, and also with the understanding that there is concern about the entrance and exit of vehicles.

Member Buchan commented that he thinks most of the Design Review Board likes the "Semi-Traditional" building (one-and-a-half stories, brick). Mr. Heigel stated that they need to know whether the Design Review Board finds the location of the building pad, parking, and sidewalk acceptable.

**MOTION**

**The motion to issue a Certificate of Appropriateness for the basic layout of the parking lot was made by Member Buchan, seconded by Secretary Ballard, and passed by a majority vote. Chairman Guarno recused himself because he owns properties on West Chocolate Avenue and Caracas Avenue close to the proposed site.**

Vice Chairwoman St. John asked for verification that the parking lot is going to be a low point and the berm will be at least 3 feet above the parking lot. Mr. Heigel responded that is correct, if the Board feels more comfortable indicating that there will be a minimum of a 3' berm on the north side. Secretary Ballard added that this commitment should include the applicant providing the details that have been presented, the details surrounding the parking lot, and the screening and buffering.

**MOTION**

**The motion to issue a Certificate of Appropriateness for the location and size of the footprint and the basic architectural concept of the "Semi-Traditional"-style building (brick, granite look, one-and-a-half story structure) was made by Member Buchan, seconded by Member Moore, and passed by a majority vote.\***

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**Chairman Guarno recused himself because he owns properties on West Chocolate Avenue and Caracas Avenue close to the proposed site.**

Chairman Guarno commented that if all of the other necessary approvals are granted, when the applicant comes back before the Design Review Board they will be looking for a brick building façade (because it fits in more with historic Chocolate Avenue); a sign package; and the overall landscaping of the property.

Secretary Ballard added that in terms of landscaping, especially along West Chocolate Avenue in front of the parking area, the berm needs to be at least 3 feet high. She also suggested taller bushes to help screen the parking lot. Regarding the white stone “mulch”, Secretary Ballard stated that the Design Review Board guidelines recommend that ground cover should be compatible with surrounding existing properties. Street trees will need to be planted along the sidewalk, and this would be a good opportunity to put in some larger street trees. She asked the applicant to consider making the height of the building more compatible with other nearby buildings.

Mr. Heigel asked if the Board likes the idea of pedestrian connectivity, with the sidewalk being closer to the retail. The Design Review Board answered yes. Member Buchan commented that the serpentine placement of the sidewalk is preferred rather than a straight section of sidewalk.

The meeting adjourned at 7:54 p.m.

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Chairman

*\*Chairman Guarno wanted it to be made clear to the reader of these minutes that the Design Review Board’s approval of the parking lot layout, the location and size of the footprint, and the basic architectural concept of the building was not an approval of fast food vending in downtown Hershey, and that the approval in no way took into consideration what would be housed in the building. That matter is for the Zoning Hearing Board to approve or deny.*