

**DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
September 3, 2013**

CALL TO ORDER

The Tuesday, September 3, 2013 Derry Township Planning Commission meeting was called to order at 6:04 p.m. in the meeting room of the Derry Township Municipal Complex, 600 Clearwater Road, Hershey, PA, by Chairman Matt Tunnell.

ROLL CALL

Commission Members Present: Matt Tunnell, Chairman; Joyce St. John, Vice Chairwoman; Ned Wehler

Commission Members Absent: Gregg Mangione, Secretary; Glenn Rowe

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

Public Registering Attendance: Ed Kaylor, D. L. Reiber Associates; William M. Hess, CAMA SDIRA; Rich Gamble

APPROVAL OF MINUTES

On a motion made by Vice Chairwoman St. John and seconded by Member Wehler, the Planning Commission unanimously approved the minutes of the August 6, 2013 meeting as written.

OLD BUSINESS

A. Report of the Board of Supervisors' action regarding the Sketch Plan for Stover Farmhouse, Plat #1235

Mr. Emerick reported that this item was listed on the August 27, 2013 agenda, but the Supervisors tabled it prior to the meeting. They had concerns regarding the use and expansion of the right-of-way, and also wanted to see a more complete sketch plan before acting on the waiver request. Mr. Emerick added that the developer may revise his request to focus solely on the off-set access and the second means of egress, and remove all of the other peripheral concerns such as how many units are permitted. The revised plan may come back to the Planning Commission.

B. Review and recommendation of proposed Ordinance No. 637 to amend Chapter 225 (Zoning) of the Code of the Township of Derry by defining and regulating formula fast casual restaurants

Mr. Emerick requested that the Commission again table taking action on this item. He still needs to meet with the Township's solicitor regarding the legality of the ordinance, based on the concerns the Hershey Trust Company raised at the last Planning Commission meeting.

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On a motion made by Vice Chairwoman St. John, seconded by Member Wehler, and a unanimous vote, the Planning Commission tabled item B.

C. Review and recommendation of proposed Ordinance No. 639 to amend Chapter 225 (Zoning) of the Code of the Township of Derry by extending the Chocolate Avenue Preservation Overlay district and the Downtown Commercial Sign Overlay district

Mr. Emerick reported that the Planning Commission tabled taking action on this ordinance at their August 2013 meeting. In regard to Member Wehler's comments that were presented via e-mail at the August meeting, Mr. Emerick told him that he understands Member Wehler's point with regard to the design standards that are used under the Chocolate Avenue Preservation Overlay District. They are strictly guidelines, and the 1991 Comprehensive Plan noted that the guidelines, at that time, were to be kept general and flexible to facilitate negotiations between the Design Review Board and the applicant, and those design standards have been utilized in the Township since 1993 with a fair amount of success.

Mr. Emerick stated that the real reason for proposing the expansion of the Chocolate Avenue Preservation Overlay District is because he believes it is the quickest way to protect the Township's assets of the land that is available for redevelopment in the Chocolate Avenue corridor. Mr. Emerick thinks that without the expansion of this district onto that land, the Township's ability to shape the vision of what the Township would like to see there would end 200' from the curb. Examples of such properties would include the facility at 19 East Chocolate Avenue, the post office tract, the old lumber yard, the transfer station, and the car barn. Mr. Emerick noted that the Board of Supervisors has authorized staff to prepare a Request for Proposals for consultants to complete the new Comprehensive Plan and to rewrite the Zoning Ordinance (which includes the design standards).

Chairman Tunnell asked if the design standards will be put into that zoning district so that they become part of the Zoning Ordinance. Mr. Emerick answered that, in communities throughout the country, he has seen the design standards be a staff approval; a set of guidelines; a board (such as the Design Review Board), etc. The Township wants the consultant to advise where the best place is to carry this standard. Mr. Emerick estimates a timeframe of 8 to 10 months to hire a consultant, complete the draft Comprehensive Plan, and have the public meetings. He thinks the Zoning Ordinance rewrite will take an additional 10-12 months, and the protection of the properties in the Chocolate Avenue corridor should happen as soon as possible and not wait for these activities.

In response to a question from Chairman Tunnell, Mr. Emerick explained that the Board of Supervisors will conduct a public hearing regarding the proposed ordinance, the area will be posted, and all affected property owners will be notified by mail prior to the hearing.

Member Wehler believes that the Design Review Board criteria should be revised to be more specific and less subjective. This proposed expansion will affect many properties, and Member

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Wehler had hoped there would be a public hearing prior to the Planning Commission's consideration of the ordinance. He struggles in coming to a recommendation without having the benefit of input from the affected property owners. He added that sometimes there are compelling reasons why a building cannot be reused. Member Wehler hopes that this proposal will not keep important investment out of town because there has been fairly limited investment in the downtown area over a long period of time. He does not want to create more barriers to developers who have projects that will work. He stated that he is not opposed to the idea of architectural guidance, compatibility, and consistency, as long as it is not taken to the Township's detriment. Member Wehler asked if the Township intends to revise the Design Review Board standards. Mr. Emerick responded yes.

Chairman Tunnell stated that "it sounds like from your introduction of this that over a 24-month or 18-month process, you're looking to have some level of revamping of the design standards of the process." Mr. Emerick answered yes, and that the Board of Supervisors has asked for that. Chairman Tunnell stated that seems appropriate. The concern he has is whether or not the current process is sufficient to review major development projects, but at the same time he understands Mr. Emerick's concern about development occurring "during that 18 month period" without the benefit of a design review process. Mr. Emerick mentioned that both the Hershey Story museum and the renovations to The Press Building were reviewed by the Design Review Board, indicating that larger projects have been through this process.

Chairman Tunnell would like to see a process to review the current Design Review Board standards to have some kind of a deadline on the approval that would ultimately be made in the expansion of the overlay district. He would like to see a zone expansion for the next 18 months, "because I wouldn't support just taking what we currently do and saying 'there you go, let's just expand the zone.' I'd have some reservations about that. But what you're talking about is doing a consultant review, building it in with the Comprehensive Plan, changing the zoning code, creating clarity...that, I think, makes sense. I'm cautious to scare off developers because this town has not had the kind of development downtown that you think it should have. At the same time I think there's a good balance to make sure that we don't have a time gap here where something gets constructed that everybody regrets."

Mr. Emerick noted that in the 20 years the Design Review Board has been in existence, there has only been one denial. Vice Chairwoman St. John added that the denial was issued because the applicant's proposal did not meet any of the Design Review Board criteria. She is concerned about the Design Review Board having to make decisions on demolition projects simply because no other board or committee has the authority to do that. Mr. Emerick stated that although there is nothing written currently, the experience with the 19 East Chocolate Avenue facility demolition has caused him to consider having the Design Review Board address every sign and alteration that comes through (possibly with a dollar limit). If the project involves demolition or new construction, those cases should go to the Board of Supervisors with a recommendation from the Design Review Board. This would result in a two-step process if the project is larger than 'X'. This is one of the changes that is being considered.

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Mr. Emerick commented that if the Planning Commission's recommendation on the ordinance has a timeline associated with it, then the ordinance would be written for reconsideration by the Commission, "as opposed to turning it back off." Chairman Tunnell does not have an issue with making a positive recommendation, "but it is in the context of both the consultant review to recommend how we better tie the Design Review Board into our Comprehensive Plan changes and ultimately the zoning changes that are going to be made for the territory where the expansion will occur, and that should be something that's expedited to the extent that that's going to take 18 months, 24 months, but is expedited to that point in that expanding the zone is not the completion of the work to apply the Design Review Board kind of standards into this territory."

Member Wehler stated that when the Comprehensive Plan workgroup process was taking place, there were a number of times that some design characteristics were being reviewed (streetscapes, landscaping, intersections, sidewalk, bikeways, etc.). He envisioned most of these characteristics along the Chocolate Avenue corridor and in association with the major intersections. He asked if Mr. Emerick envisions some of that work being brought into the Design Review Board guidelines. Mr. Emerick responded that there is a difference between public work (within the right-of-way) and the Zoning Ordinance, and that might be a good reason to not have the design guidelines in the Zoning Ordinance, because then they could be looked at more holistically. A "Downtown Chocolate" committee is being formed, and that is where discussions regarding such items as complete streets, street furniture, street trees, and bike lanes will take place. That side of it will be addressed in the Subdivision and Land Development Ordinance instead.

MOTION:

Member Wehler made a motion that the Planning Commission recommend adoption of Ordinance No. 639 as proposed, with the understanding that there will be a public hearing and a public process as part of its adoption, and conditioned upon the design review criteria being evaluated and made more specific and less subjective within the next 18-24 months.

Discussion:

Vice Chairwoman St. John thinks that public input is necessary from the people who are directly affected by the proposed expansion. Public input could help to tighten up what is being defined in the design criteria. "We could expand and say 'yes, in the future we're going to be taking the future recommendations and this is where we're going to put it', but what do you do between now and then? That's where I get confused." Mr. Emerick stated that the current district standards have existed for 20 years. They are flexible to benefit the developer, and are written as guidelines to allow the Design Review Board the ability to work with the developer to be flexible in the design.

The motion made by Member Wehler was seconded by Vice Chairwoman St. John and passed by a unanimous vote.

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NEW BUSINESS

A. Review and recommendation of the Preliminary/Final Subdivision Plan for CAMA SDIRA, LLC, Plat #1236

Mr. Emerick stated that the Planning Commission last viewed this proposal as a sketch plan at the March 2013 meeting. The 0.728-acre subject property is located at the southwest corner of Mae Street and Ethel Avenue, adjacent to the Hershey Square shopping center, nearest the Weis Markets building. The CAMA SDIRA existing lot is improved with a dwelling. Also included with this development is a smaller, vacant tract owned by the Hershey Trust Company that is barely developable, consisting of a building pocket of approximately 12 feet by 23 feet, or 276 square feet. The applicant is proposing to take one substantially nonconforming lot and join it with an adjacent nonconforming lot, then subdividing it to create 2 nonconforming, developable lots.

Mr. Emerick reviewed the applicant's waiver requests from the Subdivision and Land Development Ordinance, and went over his plan review comments. Matt Bonanno, HRG, and Diane Krug, representative for the Dauphin County Planning Commission, also went over their plan review comments.

Ed Kaylor, D.L. Reiber Associates, and Bill Hess, CAMA SDIRA, represented the plan. In regards to Mr. Emerick's recommendation that the sidewalk waiver request for Mae Street be denied, Mr. Kaylor stated that they continue to support the idea that sidewalks along the south side of Mae Street terminate nowhere, and that the existing sidewalk on north side is adequate to serve pedestrians.

Regarding HRG's review comment that a standard wetland note should be added to the plan, Mr. Kaylor asked Mr. Bonanno if it would be appropriate to request a waiver. Mr. Bonanno commented that this has been waived before for smaller plans, with the addition of a general statement on the plan that there are no wetlands on the site. Mr. Emerick agreed. Mr. Kaylor requested an additional waiver from Section 185-49 regarding providing a wetlands determination.

Mr. Kaylor asked for guidance regarding the best location for a pedestrian crossing from the south side of Mae Street to the existing sidewalk on the north side. Mr. Emerick suggested that the crossing occur at the intersection of Mae Street and Ethel Avenue. Chairman Tunnell asked if this would be the only crossing in the area of the shopping center. Mr. Emerick does not think any others exist. Vice Chairwoman St. John asked if there is an opportunity for more development in this area. Mr. Kaylor responded that there are few remaining vacant lots, and most are not buildable.

Member Wehler noted that the installation of sidewalk on the Mae Street frontage of Lot 1 per Township regulations (4" inside of the right-of-way) would result in an offset between the new

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and existing sidewalk. Mr. Kaylor presented a rendering depicting two location options for the installation of sidewalk.

MOTION ON WAIVERS

On a motion made by Member Wehler, seconded by Vice Chairwoman St. John, and a unanimous vote, the Planning Commission recommended that the following waivers be granted:

- a. From Sections 185-12.D.(3).(a).[21], [22], [23] and 185-13.E.(4).(a).[19], [20], [21] regarding profiles of existing storm sewers, sanitary sewers, and gas and water lines.
- b. From Section 185-22.D.(3) regarding cartway width.
- c. From Section 185-22.E.(5) regarding the installation of curbing, with the exception of any curbing necessary to properly deflect the Hershey Square sidewalk to the proposed alignment with Mae Street dedicated right-of-way.
- d. From Section 185-34.A.(1) as a deferment of the installation of sidewalk along Ethel Avenue, with the stipulation that the applicant/landowner enter into an agreement with the Township that would allow the Township to require the installation of sidewalk in the future if deemed necessary, and further that the applicant be required to install sidewalk along Mae Street along the right-of-way line in accordance with the Subdivision and Land Development Ordinance.
- e. From Section 185-27.B and Sections 174-27.D and F regarding easements and rights-of-way.
- f. From Section 185-49 regarding a wetlands determination.

MOTION ON PLAT #1236

On a motion made by Vice Chairwoman St. John, seconded by Member Wehler, and a unanimous vote, the Planning Commission recommended approval of Plat #1236, subject to the following being satisfactorily addressed:

- a. The comments in Item 3 of the Township staff report.
- b. The comments in the August 8, 2013 HRG letter *with the exception of #9* under 'Subdivision and Land Development'.
- c. The comments in the August 23, 2013 DTMA letter.
- d. The comments in the August 27, 2013 Dauphin County Planning Commission report.

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OTHER BUSINESS

None.

ADJOURNMENT

On a motion made by Vice Chairwoman St. John, seconded by Member Wehler, and a unanimous vote, the meeting adjourned at 7:24 p.m.

Respectfully submitted,

Gregg Mangione
Secretary

Submitted by:

Jenelle Stumpf
Community Development Secretary