

**DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
October 3, 2017**

CALL TO ORDER

The Tuesday, October 3, 2017 Derry Township Planning Commission meeting was called to order at 6:10 p.m. in the meeting room of the Derry Township Municipal Complex, 600 Clearwater Road, Hershey, PA, by Secretary Joyce St. John.

ROLL CALL

Commission Members Present: Joyce St. John, Secretary; Matt Tunnell; Ned Wehler

Commission Members Absent: Glenn Rowe, Chairman; Don Santostefano, Vice Chairman

Also Present: Chuck Emerick, Director of Community Development; 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: Rob Weil; Pete Valania; Dale Holte, Steve Ramis – Middletown Road Coalition; Tim Leh, The Hershey Company; Nicholas Douty, 995 Clifton Heights Road; Rick Zmuda, 642 Cocoa Avenue; Thomas Dispenza, 1280 Stone Creek Drive, Hummelstown; Tricia Steiner, 939 Parish Place, Hummelstown; Charles Huth, *The Sun*; Kenny Hinebaugh, Evans Engineering, Inc.; Lisa Kurcina, 1098 Princeton Drive, Hummelstown; Jason Garver, 1828 Kaylor Road; Dennis Burd, 651 Pheasant Run Road; Craig Smith, RGS Associates; Gary Garver, 930 Stoverdale Road; Linda Crandall, 964 Carter Cove; Mark Hackenburg, RGS Associates; William Cavanaugh, 2022 Southpoint Drive

APPROVAL OF MINUTES

On a motion made by Member Tunnell and seconded by Member Wehler, the Planning Commission unanimously approved the minutes from the September 5, 2017 meeting, as written.

OLD BUSINESS

- A. Report of the Board of Supervisors' action regarding the Preliminary/Final Subdivision Plan for 880 Stauffers Church Road, Plat #1279**
- B. Report of the Board of Supervisors' action regarding the Preliminary/Final Land Development Plan and Stormwater Management Site Plan for West Hershey Plant – Finished Goods and Milk Receiving Expansions, Plat #1281**

Chuck Emerick stated that the Board approved the plans, with conditions.

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NEW BUSINESS

A. Review and recommendation of the Preliminary/Final Subdivision Plan for Crystal A Drive, Plat #1283

Brandon Williams stated that Plat #1283 represents the proposed subdivision for the Crystal A Drive Hershey Corporate Office campus. The existing property is 145.23 acres and is bound by Hersheypark Drive to the south, Sand Beach Road to the west, Kieffer Road to the north and the Pennsylvania State Police Academy campus to the east. The property is located within the Planned Campus North zoning district, and contains the Hersheypark Drive/Route 39 Overlay and the North Master Plan Approval Area Overlay. This plan proposes to subdivide the tract into three separate parcels. Tract A will be 52.33 acres in area and will contain the 17,100-square-foot Global Customer Insights Center building. Tract A will maintain frontage along Sand Beach Road and Kieffer Road. Tract B will be 50.9 acres in area and will contain the two corporate office buildings (these buildings contain a footprint of 51,767 and 35,462 square feet, respectively). Tract B will also contain the 6,350-square-foot Fitness Center building and will maintain frontage along Hersheypark Drive. Lastly, Tract C will be 41.45 acres in area and will remain undeveloped. Tract C will maintain street frontage along Sand Beach Road and Hersheypark Drive. No development or improvements are proposed for any of the tracts represented on this plan. Any future improvements would require the filing of a separate land development plan for review by the Township. Mr. Williams also reviewed the list of waivers and deferrals requested from the Subdivision and Land Development Ordinance.

Mr. Williams; Matt Bonanno, HRG; and Diane Myers-Krug, Dauphin County Planning Commission representative, went over their plan review comments.

Kenny Hinebaugh, Evans Engineering, represented the applicant and stated that they take no exception to any of the review comments.

MOTION ON WAIVERS

On a motion made by Member Tunnell, seconded by Member Wehler, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that the following waivers and deferments be granted from the Subdivision and Land Development Ordinance:

- a. From Sections 185-12.D.(2) and 185-13.E.(3) regarding plan scale.
- b. From Sections 185-12.D.(3).(a).[7] and 185-13.E.(4).(a).[7] regarding providing a metes and bounds description for existing street centerlines.
- c. From Sections 185-12.D.(3).(a).[21] and 185-13.E.(4).(a).[19] regarding stormwater profiles for existing and proposed systems, with the stipulation that the applicant clarify that no new systems or alterations to existing systems are proposed by the subdivision.

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- d. From Sections 185-12.D.(3).(a).[22] and 185-13.E.(4).(a).[20] regarding sanitary profiles for existing and proposed systems, with the stipulation that the applicant clarify that no new sanitary systems or alterations to existing systems are proposed by the subdivision.
- e. From Sections 185-12.D.(3).(a).[23] and 185-13.E.(4).(a).[21] regarding utility profiles for existing and proposed systems, with the stipulation that the applicant clarify that no new utility lines or alterations to existing utility systems are proposed by the subdivision.
- f. From Section 185-22.D.(3) regarding the requirements for additional street right-of-way along Sand Beach Road and required road widening along Sand Beach Road and Kieffer Road.
- g. From Section 185-22.E.(5) regarding the deferment of the installation of curbing along Hersheypark Drive, Sand Beach Road, and Kieffer Road, with the stipulation that the owner enter into an agreement with the Township that would allow the Township to require the installation of curbing in the future if deemed necessary.
- h. From Section 185-34 regarding the deferment of the installation of sidewalks, walkways, and/or bicycle paths along Hersheypark Drive, Sand Beach Road, and Kieffer Road, with the stipulation that the owner enter into an agreement with the Township that would allow the Township to require the installation of sidewalks, walkways, and/or bicycle paths in the future if deemed necessary.

MOTION ON PLAT #1283

On a motion made by Member Tunnell, seconded by Member Wehler, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that Plat #1283 be approved, subject to the following being satisfactorily addressed:

- a. The comments in Items 2 and 3 of the Township staff report.
- b. The comments in the September 21, 2017 HRG letter.

B. Review and recommendation of Zoning Amendment Petition No. 2017-01, as filed by DSG Development Corporation, to amend the Zoning Map by changing 66 acres of land located on the east side of Middletown Road, between Stoverdale Road and Kaylor Road, from a Conservation classification to a Planned Campus West classification and a Planned Campus West Future Development Area Overlay

Mr. Emerick stated that the proposed zoning is consistent with the Future Land Use Plan of the 2015 Comprehensive Plan, which indicated this area as “Live, Shop, Eat, Recreate; 3.2.” The new rezoning process (per the 2017 Zoning Ordinance) requires an applicant provide certain supporting information as a part of their application. Mr. Emerick reviewed each of the requirements and how the applicant has addressed them in their submission.

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Diane Myers-Krug, Dauphin County Planning Commission representative, reported that on October 2, 2017, the Commission recommended the Township consider the following comments in an effort to alleviate/minimize any further adverse impacts from overextended traffic capacities/congestion:

1. That the Township reflect upon the extensive community outreach and feedback received during the process to finalize the current Zoning Ordinance, adopted 3/28/17, particularly as it relates to future development impacting the Middletown Road corridor.
2. That the conditions in the Township over the seven months since the Zoning Ordinance was adopted have not changed to an extent to warrant a change to the zoning map, and those conditions still reflect the zoning map as adopted. Further, if conditions were appropriate for the zoning map amendment as proposed, they would/should have been incorporated at the time of ordinance adoption.
3. That the Township is currently pursuing funding for a planning study to help facilitate the implementation of identified transportation improvements in a coordinated manner, which may inform decisions related to future zoning changes. It may be prudent to see the results from the study prior to instituting changes to the Zoning Ordinance.
4. That the proposed amendment is not consistent with the recently adopted Dauphin County Comprehensive Plan nor the TCRPC Regional Growth Management Plan, which identify the area as conservation, “environmentally sensitive areas less conducive to development, including agricultural and forested areas.”
5. That any of the permitted uses in the PCW district could occur on the proposed site should the proposed rezoning be approved. Any proposed development discussions occurring prior to the rezoning approval are premature and not necessarily a given.
6. That zoning is a valuable tool and guide for the Township to use to manage its growth and development, as well as preserve its natural resources. Changing the zoning map substantively so close to the adoption may set a precedent the Township may not want to continue to uphold and may call into question the integrity of the ordinance itself in the long-term.

Member Tunnell asked Mr. Emerick to explain the process of approval for this complex project. Mr. Emerick stated that applicant has submitted the rezoning and conditional use requests at the same time because time is money, and it is easier to present the project at one meeting instead of over the course of several meetings. Also, it is important that the applicant guarantees what will be built if the properties are rezoned. There will have to be a thoughtful series of actions to make this happen. The first step in the process will be the adoption of the Township-initiated amendment to the Zoning Ordinance regarding the required mix of housing types. Then the requested base zoning district and overlay zoning district have to be adopted before the Master Plan conditional use can be approved.

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Member Wehler asked what the West Master Plan Approval Area Overlay conveys within the Zoning Ordinance. Mr. Emerick responded that this Overlay district, along with others, offers additional flexibility in the base zoning districts.

Member Wehler noted that several priority stormwater problem areas have been identified in the Township and asked if any of those areas are downstream of this project. Matt Bonanno, HRG, responded that there are stormwater issues downstream, but none of them are the 20 problem areas that have been identified. Member Wehler inquired if the box culvert under Middletown Road was improved in conjunction with the Sheetz project at 777 Middletown Road. Mr. Bonanno answered no, but the culvert under Stoverdale Road was extended toward the Sheetz site. Member Wehler asked if that box culvert is of a size that it would be consistent with the applicant's conceptual design for stormwater management for this project. Mr. Bonanno responded that with the three basins that are proposed in the conceptual design, the peak rate of runoff post-development will be less than pre-development.

Secretary St. John referenced Mr. Emerick's comment that at the time of the adoption of the 2017 Zoning Ordinance and maps, the Township did not want to change the zoning within the Middletown Road corridor until they had a good understanding of traffic and stormwater impacts and how they could be mitigated or improved. She asked if this has occurred. Mr. Emerick responded that some developments bring good things and this development could result in the installation of a traffic signal at the intersection of Middletown Road and Southpoint Drive, if warrants are met. Secretary St. John asked if the Township is comfortable with the traffic impact on Middletown Road if these properties are upzoned without the guarantee of the proposed development being constructed. Mr. Emerick stated that with the age-qualified development, the applicant is proposing probably the lowest intensity of traffic. However, it is a difficult question because the Township is concerned about the Middletown Road corridor.

Member Wehler inquired if there is a way to bind the applicant to construct the development as proposed. Mr. Emerick stated that an overlay district could be created to only allow age-qualified housing.

Craig Smith, RGS Associates, represented the applicant and stated that they have been meeting with Township staff and DTMA throughout the master plan submission process to address any potential issues. The applicant believes that the active-adult community is something that is needed in the Township.

Rob Bowman, President of Charter Homes and Neighborhoods, has been working with the applicant for 15 years, building homes in the Township. He noted that there is a high demand in Derry Township for affordably-priced, first-floor living where exterior maintenance is not required. The proposed development will include both dwellings and neighborhood commercial components. The developer needs to provide the features that people are looking for when they move into a 55+ age-restricted neighborhood. There will be a clubhouse with numerous activities for residents of the development; tennis courts; a swimming pool; restaurants and retail shops to serve the area residents; single family dwellings; and townhouses.

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Mr. Smith noted that the applicant will be returning to the Planning Commission and Board of Supervisors for final land development plan review and approval. They are aware of existing stormwater problems in the area and will ensure that the stormwater requirements can be adequately addressed. The development's streets are proposed as 24-foot-wide private streets with a pedestrian walkway on one side of the street. The streets will have a 42-foot-wide right-of-way that will be owned by the homeowners association. There will be a cross connection through the parcel from Stoverdale Road to Kaylor Road and a public access easement. The recreation path will be extended along Middletown Road. On-street parking will not be allowed because of the narrow width of the private streets. Parking areas will be provided for the commercial uses and the clubhouse.

Eric Mountz, Traffic Planning and Design, explained that they are well aware of traffic in the Middletown Road corridor being a concern, and they went to an extensive effort in preparing the traffic impact study for this project. The intersections surrounding the proposed development were included in the study. Member Wehler asked why the Wood Road intersection was not included. Mr. Mountz responded that they did not include that intersection based on conversations with Township staff. The traffic study looked at the existing conditions and future conditions, including the years 2020 and 2030. The study also looked at two scenarios for each of those future years. The first scenario looked at the impacts with the proposed development traffic and the three developments in the area that currently have land development approval (*The Pointe, which is a residential development to consist of 21 single-family homes and 82 townhomes; the remaining buildout of Stoverdale Commons, which is a mixed-use development with the remaining development assumed to consist of a 2,880-square-foot bank and 7,791 square feet of retail space; and the Muscalus Property, which is a residential development to consist of 32 apartments*). In the first scenario, the intersections generally operate fine in their current capacity with the improvements recommended in HRG's 2016 Middletown Road Corridor evaluation.

The second scenario analyzed the impacts of the proposed development traffic, the three developments currently under construction, and five additional developments that could potentially be built in this area (*Hershey West End, which is a mixed use development that is assumed to consist of 427 apartments, 177 single-family homes, 129 townhomes, 190,500 square feet of commercial space, and a 140-room hotel; the Vine Street Interchange Development, which is a mixed use development that is assumed to consist of a 4,000-square-foot bank, a 6,500-square-foot high-turnover restaurant, and a 4,500-square-foot fast-food restaurant; the Wabank Development, which is a commercial development assumed to consist of a 300,000-square-foot shopping center; the Zell Property, which is a residential development assumed to consist of 36 townhomes; and the mixed-use development behind Turkey Hill that is assumed to consist of a 20,000-square-foot office building and a 35,000-square-foot supermarket*). The second scenario found that some of the signalized intersections will be nearing capacity, particularly for the through movements along Middletown Road. A five-lane cross section would likely be required to fully mitigate those through movements. Mr. Mountz noted that this development could be a catalyst for a lot of the traffic mitigation improvements recommended by HRG's Middletown Road Corridor evaluation.

Member Wehler asked Mr. Mountz to elaborate on the peak hour periods in the Middletown Road corridor in relationship to the proposed development. Mr. Mountz explained that they studied the busiest hours in the morning and afternoon. Using the Middletown Road/Southpoint Drive intersection

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as an example, in the morning there are approximately 850 vehicles travelling northbound on Middletown Road and approximately 650 vehicles travelling southbound for a total of 1,500 vehicles. In the afternoon there are approximately 850 vehicles travelling northbound and approximately 950 vehicles travelling southbound for a total of 1,800 vehicles. It is estimated that with the proposed development, there will be 150 additional peak hour trips at the Middletown Road/Southpoint Drive intersection in the morning and 250 additional peak hour trips in the afternoon. The applicant is hoping that with the increase in trips, the warrants will be met to install a traffic signal.

Member Tunnell asked if the adjustment of Colonial Way to a right-in/right-out only movement would be considered. Mr. Emerick stated that staff has discussed this with the applicant because it would help in achieving the goal of meeting the traffic signal warrants; however, the adjustment would likely happen as part of a larger Township improvement project instead of in conjunction with this development.

Member Tunnell asked what other improvements are warranted, with or without the traffic signal. Mr. Mountz responded that there will be stacking/deceleration lanes for left and right turn movements. Member Wehler inquired how pedestrian crossing will be handled. Mr. Mountz stated that will be determined during the land development plan process.

Member Wehler asked why the community should not view this development as having an adverse impact on traffic conditions. Mr. Mountz stated that they have given the matter a lot of thought, and the existing conditions flow relatively well, with the exception of some of the unsignalized intersections. The Township has done a good job in starting to plan for future mitigation. With a corridor of this nature, not all of the problems can be fixed by one developer; however, there are other potential developments that can contribute to mitigating some of the traffic concerns.

Member Tunnell asked if the architectural and design standards will be reviewed for both the east and west facades of the retail uses along Middletown Road. Mr. Emerick answered yes; however, the applicant provided less information in the submission than he expected.

Public comment:

- Dale Holte, 2279 Southpoint Drive, represented the Deer Run Homeowners Association and the Middletown Road Coalition, and commented that he agrees with the Dauphin County Planning Commission's recommendations. There was a reason these properties were not upzoned at the time of the 2017 Zoning Ordinance and maps adoption, and the resolution attached to the 2015 Comprehensive Plan specifically referenced the Township's desire to preserve open space and agricultural land. It was not the right time to rezone the properties in 2005, 2010, or 2015, so why now? He is not impressed by the traffic impact study's conclusion that the proposed development will not create a problem. The idea of "build it now and worry about it later" does not work. The existing traffic conditions are a problem, and that is why there is going to be a regional traffic study and why the Township conducted a traffic evaluation on the Middletown Road corridor. Mr. Holte stated that he respects a person's right to use their property as they see fit, but he questions the timing. He urged the Township to use caution in this matter. We do not know the effects of potential future development yet. Do not rush this decision because "time is money."

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- Robert Weil, Duryea Drive, noted that this project proposes a 36% increase in vehicles. This is a greedy development project and not what people who moved to Hershey want. Are we trying to turn Hershey into Harrisburg? What is the mad rush? Let's get Middletown Road to accommodate the existing traffic first. Where is all the stormwater going to go? There's already water on Swatara Creek Road all the time. What about power outages from over-development? None of this was addressed by the applicant.
- Trish Foster, 2439 Raleigh Road, does not think the Township has a good handle on the stormwater and traffic issues in this area, and that should be addressed before the approval of another development. The Comprehensive Plan says there should not be any more un-signalized driveways connecting to Middletown Road. It also notes that there is Karst geology in this area and development should not occur on top of Karst geology. Let all the other potential development play out first to see how much traffic is going to result.
- Thomas Dispenza, 1280 Stone Creek Drive, was struck by the large increase in traffic projected as a result of this development. There is an acknowledged traffic problem on Middletown Road and it needs to be addressed before the development is approved. If this 55+ development proceeds, it should be noted that a certain portion of the residents will have driving issues, and that should be factored into traffic control at the development's intersection with Middletown Road.
- Steve Ramis, 2015B Southpoint Drive, commented that Middletown Road is also impacted by development outside of Derry Township. The infrastructure should be put in place prior to approving further development along Middletown Road.
- Linda Crandall, 964 Carter Cove, stated that she cannot make left turns onto Locust Lane or Jo Ann Avenue from Middletown Road because of the high volume of traffic. Heavy rain is another problem because of stormwater runoff and road closures. She agrees that we cannot move forward with this project until the current problems are addressed.
- Nicholas Douty, 995 Clifton Heights Road, commented that he is not fundamentally opposed to the development, but he is putting a lot of trust into the Planning Commission and the consultants that the developer will follow through with what they say they are going to do. This project is being called a catalyst for traffic improvements; however, we should fix the existing problems first.
- Tricia Steiner, 939 Parish Place, stated that trying to turn left onto Middletown Road from Southpoint Drive is a problem. There is low visibility at this intersection and many vehicles travel in excess of the speed limit. She does not think it makes sense to have more development and more vehicles on Middletown Road in order to meet traffic signal warrants. The Derry Township School District's classroom sizes are getting bigger and Ms. Steiner is concerned about the schools' ability to accommodate that. She is also concerned about stormwater and road closures.
- Dennis Burd, a resident of the Township since 1968 and owner of 24 acres of commercial real estate located adjacent to the subject property, commented that the way to solve the existing traffic and stormwater issues is to work through comprehensive planning, and only development will

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make the improvements that are needed on Middletown Road. The Township has been proactive in planning for growth along the Middletown Road corridor. Mr. Burd hopes that eventually Middletown Road will have 5 lanes, as it would be a major improvement. There is a need for a 55+ community in this area; every week we are losing population from Derry Township to other areas that have these communities. He thinks the proposal makes sense, but he would rather see more residential units and green space and no commercial uses, as his 24-acre property will be developed with commercial uses.

Secretary St. John noted that the same concerns keep surfacing with proposed development projects and asked if there has been a significant change since the adoption of the 2017 Zoning Ordinance and maps that has resulted in traffic and stormwater no longer being an issue in the Middletown Road corridor. Mr. Emerick responded that the adoption of the Zoning Ordinance did not result in traffic improvements; however, as Mr. Bonanno reported, the anticipated amount of stormwater leaving this development will be less post-development than pre-development.

Member Tunnell stated that he has been in favor of protecting the Middletown Road corridor throughout the development of the Comprehensive Plan and Zoning Ordinance. The issues of the roadway eclipse all development that occurs in this area. He thinks the Township has done a very good job of characterizing what is occurring, but as a resident, he is looking for a path forward, not more studies. This kind of development accomplishes two things: 1) it addresses the issue of beginning the process of improving Middletown Road, and 2) it would provide more amenities in this area of the Township. The Comprehensive Plan looks to have development in these areas, we just need to be very careful to follow the studies that have been put in place for improving Middletown Road.

Member Wehler stated that Mr. Burd's comments are accurate. This project is very desirable because there are no alternatives for older residents for downsized housing that contains one-floor living. The traffic issue has been thoroughly explored at this meeting, and Member Wehler did not sense a big difference in opinions between Township staff, HRG, and the developer's traffic consultant. He does not think the fact that there are traffic problems on other streets in the area is a reason to stop development. Middletown Road will have sufficient levels of service, even with the proposed development. The rezoning of this property is consistent with the Comprehensive Plan, and there has been intention of this type of development along this corridor. Member Wehler stated that as long as the type of plan presented at this meeting can be reasonably assured, he does not have a problem with the requested zoning amendment.

MOTION

Member Tunnell made a motion that the Planning Commission recommend to the Board of Supervisors that Zoning Amendment Petition No. 2017-01 be approved, and that the Board of Supervisors view this as a starting point for those highway improvements; that Board takes into consideration the October 2016 HRG, Inc. Middletown Road Corridor Transportation Evaluation; that the Board takes this recommendation with the understanding that there are many residents in the area who have voiced their concern about traffic congestion and general dangerous conditions in some areas along Middletown Road; and that the Board looks to prioritize the Township's improvements to address those issues on Middletown Road.

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Member Wehler suggested amending the motion to include a mechanism whereby the descriptions of the project presented tonight would be realized through a conditional use master plan approval. Member Tunnell amended his motion to include Member Wehler's suggestion.

Member Wehler seconded the amended motion, which passed by a vote of 2 to 1. (*Secretary St. John voted in opposition because there is no guarantee that the proposed development will happen, and the Planned Campus West zoning district would permit three times the density of the development proposed by DSG Development Corporation.*)

- C. Review and recommendation of Conditional Use Application No. 2017-03 (regarding a Master Plan), as filed by DSG Development Corporation, for the development of an age-restricted active adult community**
- D. Review and recommendation of Conditional Use Application No. 2017-02 (regarding dwelling units in the Planned Campus West zoning district), as filed by DSG Development Corporation, for the development of an age-restricted active adult community**

Mr. Emerick explained that these applications represent a request for a Master Plan development, as permitted by Section 225-501.58 of the Zoning Ordinance and a request to permit dwelling units within the Planned Campus West zoning district, as permitted by Section 225-501.4 when the land is included within the Planned Campus West Future Development Area Overlay. The 5 parcels subject to this application total approximately 66 acres and are presently in the Conservation zoning district and the West Master Plan Approval Area Overlay. The parcels are located on the east side of Middletown Road, north of Kaylor Road and south of Stoverdale Road. A companion application was filed concurrently with these conditional use requests that petitions a rezoning of the subject land to the Planned Campus West zoning district with Planned Campus West Future Development Area Overlay (Overlay 7). These conditional use applications cannot be approved without the approval of the rezoning petition.

The developer's site plan proposes 28,000 square feet of commercial retail space, split between two buildings; a 5,400-square-foot, free-standing restaurant estimated to contain approximately 150 seats; 175 single-family detached dwellings; 106 townhomes; and 8 duplexes, totaling 289 dwelling units. Section 225-501.4 of the Zoning Ordinance requires that any site in excess of 25 acres and containing more than 100 dwelling units shall include a minimum of three types of dwelling units provided, however, that a minimum of 10% of any one dwelling type shall be provided. In this case, 3 types of dwelling units are proposed; however, the duplex-type dwelling only comprises 2.9% of the dwelling types. The Township is presently in the process of amending the Zoning Ordinance, including requiring only two dwelling types within age-qualified development. This application was submitted with the understanding that it could not be approved until and only if this Township amendment is adopted.

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

Craig Smith, RGS Associates, represented the applicant. In response to the review comments, Mr. Smith clarified that the reason the street cross section is off center is because the sidewalk, which will

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only be located on one side of the street, is included in the 42-foot right-of-way. Mr. Emerick commented that the Master Plan requirements in the Zoning Ordinance state that common driveways shall be centered on the street right-of-way. Mr. Smith responded that they can shift the street so it is centered within the right-of-way and create an easement for the sidewalk, or expand the right-of-way width. Mr. Smith also noted that the modification requests are for the perimeter roadways (Kaylor Road, Stoverdale Road).

Secretary St. John asked what will happen to the required number of parking spaces if a resident turns their garage into additional living area and loses those parking spaces. Mr. Smith stated that they are almost doubling the amount of parking required, so there will be enough parking even if the garage spaces are not available.

Member Tunnell asked if the conversion of a garage into additional living area will be allowed. Rob Bowman, Charter Homes, responded that it will not be allowed and furthermore, the homeowners association documents will require residents to store their primary vehicles in the garage on a daily basis.

Secretary St. John inquired where guests of residents will park if on-street parking is not permitted. Mr. Bowman responded that parking will be available in the garages and driveways and if there are more guest vehicles due to a special occasion, they may have to park in the street. The street will be wide enough to allow navigation around parked vehicles. The idea is to limit the amount of on-street parking but not encourage long-term stays. In response to a question from Secretary St. John, Mr. Bowman stated that the homeowners association will be responsible for the enforcement of the age restriction aspect of the development.

There was discussion about when during the Master Plan approval process the applicant needs to submit detailed architectural information.

(See public comments made under Item B - Zoning Amendment Petition No. 2017-01, above. No additional comments were made during the review of Conditional Use Applications 2017-02 and 2017-03.)

MOTION

On a motion made by Member Wehler, seconded by Member Tunnell, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that Conditional Use Applications 2017-02 and 2017-03 be granted, subject to the following:

- a. The applicant must offer, and the Township accept, an additional extension of time for the Township to take action on these conditional use applications to allow the completion of the zoning modifications noted in items 'b' and 'c' below. The extension shall be for a minimum of 60 days beyond 11/15/17. If at the end of the additional 60 days (or any subsequent extension thereof) the zoning modifications cited in items 'b' and 'c' below have not been completed, these conditional use applications shall be deemed denied due to noncompliance with the Zoning Ordinance.

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- b. The rezoning request submitted concurrently with these conditional use applications must first be approved and adopted by the Derry Township Board of Supervisors.
- c. The Township-sponsored amendment to the Zoning Ordinance (Ordinance No. 692), amending the composition of housing types as cited in Section 225-501.4, must be approved and adopted by the Board of Supervisors to allow the proposed mix of units.
- d. All comments offered by Township staff, HRG, Derck & Edson, and the Derry Township Police Department shall be adequately addressed.
- e. All parcels included in the Master Plan development shall be consolidated into one parcel.
- f. Detailed building materials and preliminary building designs for all units shall be provided. As presently proposed, nearly any building material in any amount is permitted.
- g. Fire flow capabilities must be determined as required by Section 225-501.58.A.4.g.ix.
- h. The development shall be in substantial compliance with the plans presented as modified to address the Township's review comments.
- i. The grant of approval of the conditional use requests shall not relieve the applicant from filing and having the Township approve any permit, land development, subdivision, or site plan which may be required by other Township regulations or from otherwise complying with all applicable Township regulations.
- j. The grant of these conditional uses shall expire if a zoning permit, building permit, or certificate of use and occupancy is not obtained within 24 months from the date of the grant of the conditional uses or if a phase of the development is not under review or active construction within 24 months of the last action by the Board of Supervisors.
- k. The use shall meet all other requirements of the Township that may apply.

OTHER BUSINESS

None.

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ADJOURNMENT

On a motion made by Member Tunnell, seconded by Member Wehler, and a unanimous vote, the meeting adjourned at 10:06 p.m.

Respectfully submitted,

Joyce St. John
Planning Commission Secretary

Submitted by:

Jenelle Stumpf
Community Development Secretary (*stenographer*)