

TOWNSHIP OF DERRY BOARD OF SUPERVISORS

PUBLIC HEARING

Tuesday, June 8, 2010

600 Clearwater Road, Hershey, Pennsylvania 17033

CALL TO ORDER

The June 8, 2010 Public Hearing of the Township of Derry Board of Supervisors was called to order at 6:35 p.m. by Chairman Michael H. W. Pries.

ROLL CALL – All present.

E. Christopher Abruzzo, Vice-Chairman
Sandy A. Ballard
Kelly C. Fedeli, Secretary
Marc A. Moyer
Michael H. W. Pries, Chairman

Also Present:

Charles W. Emerick - Assistant Director of Community Development
Marie Sirkot - Administrative Assistant to Township Manager, Negley
Jon A. Yost - Township Solicitor
Brenda Van Deursen - Recorder

Public Present: Charleton Zimmerman

NEW BUSINESS:

Public Hearing regarding Zoning Petition No. 2009-02 as filed by Pepper Hamilton, LLP, on behalf of the Hershey Trust Company, Trustee for Milton Hershey School.

Charles W. Emerick - Assistant Director of Community Development

This petition seeks to amend the text of the Derry Township Zoning Ordinance, Section 225-133.E. regarding buildings, retail sales, and banks. In each item, the regulation reads that parking is to be one parking space per 200 feet. They would like it amended to be one parking space per 300 feet. The applicants cited a few standards around the country that use requirements far less severe than the ones we presently use.

It was stated a significant amount of land area is lost to parking requirements that could be better used to create a downtown that is not all asphalt. Also, they stated the standard is an old one and does not meet the most modern applications of parking requirements around the country.

Mr. Emerick said we need to go cautiously with changing the parking. In that lessening the parking can form the way of defeating the uses if there are not adequate space for customers to come.

Some research in our own Comprehensive Plan suggested a publicly-run centrally-located facility or a public and private combination of funding in a cooperative venture

could be provided in a parking region. The Comprehensive Plan also looked at off-street parking standards and felt in some aspects that the standards were excessive and some were inadequate.

Mr. Emerick gave examples in the Township regarding requested change in increasing parking spaces which included, Commerce Bank, Members 1st Credit Union, Red Robin/Wendy's and Dunkin Donuts. In another case, the ordinance would have required 1,555 parking spaces where only 293 could be provided. Relief was granted to Granada Property Partners for this request.

The areas affected by this amendment are unique in the Township separate from the banks in that no other location in the Township could an argument be brought forward that would cite shared parking as a way to evaluate uses that normally are evaluated per site. The Trust provided results of a parking survey they developed in support of this application which indicated a 50% utilization rate. This amendment specifically addresses ratio of parking to use, specifically in the Downtown Commercial and Village Core districts...office buildings, retail sales, and banks.

Some other areas in the country have addressed this issue by requesting a fee in-lieu be paid to support public parking facilities.

As this proposal was presented to The Planning Commission, staff indicated support for the reduction in the retail sales only if it is within 1,000 feet of a public free or public paid parking facility and only if they could provide two of the following items: 1) 10% time-limited parking space not to exceed ½ hour, 2) and/or provisions for a bicycle parking area, or 3) provisions for a scooter motorcycle parking space in addition to the required parking. The petitioner has chosen not to alter parking requirements in the Downtown Commercial District for retail use. They are continuing forward with the reduction for the retail space in the Village Core District.

The Planning Commission did recommend the text amendments be adopted. There was consideration given to bicycle and scooter motorcycle facilities. At that point the applicant did agree to provide it in the text. The Dauphin County Planning Commission also recommended approval of this petition for the parking reduction.

Kenneth Gall, Hershey Trust Company

Mr. Gall commented on the progress made with the downtown over the past 5-10 years. With this amendment to a section of the ordinance, there still will be excessive parking. Create a downtown pedestrian-friendly without creating more parking spaces than needed.

Supervisor Ballard said the Board receives a lot of calls from residents regarding parking concerns in downtown residential areas. We might have to consider in the future residential parking permits for some parts of the residential community downtown. Our ordinances currently provide for a residential parking, but are not currently used. One thought is to allow a developer to have the option of either abiding by the current ordinance or the suggested reduction along with a fee in lieu of. We could use those funds to promote public transportation, support pedestrian amenities, also to maintain more parking lots that need service and, when needed, a residential process permit.

Mr. Gall said even with this amendment, there still would be excessive parking. If you are trying to encourage downtown development, you shouldn't put additional costs on a downtown project. We have in good faith produced a lot of parking through the years.

Sean P. Delaney, Pepper Hamilton, LLP

In certain circumstances, Mr. Delaney agreed with what Supervisor Ballard proposed. We have way more parking than we need. The study they conducted during peak hours indicated a 50% utilization rate on average. They compared the information from the study to the current parking requirements. They came up with a logical number as far as a reduction and met in the middle so they still had a good buffer. If you calculate the requirement, there is an excess of parking. Downtown Hershey as it exists now is already a pedestrian-based community. There is much more opportunity to do more than one thing with one trip.

Supervisor Moyer asked if they have looked out 10-15 years in conjunction with Hershey's anticipated development of downtown Hershey. Today, the current infrastructure is underutilized. But in the future if there is going to be substantial development in Hershey with more patrons, you are going to need to park. Mr. Gall said if you look at this district the parking spaces are excessive now and will be in the future. If we were to build the number of spaces required, you just wouldn't get the right feel for downtown Hershey.

Mr. Gall said in the Village Core District, the adjustment would apply to retail and office uses in that district. In the Downtown Commercial District, it is slightly different. Most of the houses along Chocolate Avenue are businesses now and you would want to encourage those smaller type uses to occur. This is not eliminating the minimum. It is adjusting the minimum to what we feel is the appropriate standard for a downtown urban district.

VISITOR/PUBLIC COMMENTS

Charleton Zimmerman, 125 N. Roosevelt Ave., Derry

Mr. Zimmerman said we have a parking problem, but more importantly we have a zoning problem with the rules and standards. He said Mr. Emerick quoted several space requirements for retail, office buildings and he questioned Mr. Emerick's reference to different standards. Mr. Emerick said each use in the Township demanded different parking requirements. Mr. Zimmerman referred to the 2004 Uniform Construction Code. It states for commercial properties outside the main entrance door there should be an occupancy limit for the number of people that the building can safely handle. There are none in this Township. He asked why we aren't following the Uniform Construction Code. Chairman Pries asked Community Development to look into his question and get back to the Board at the next meeting.

Rich Gamble, Hershey

Mr. Gamble said when we developed the parking areas next to the Press Building and talked about walking around downtown, the PNC Building is a business you don't know how many people are going to access during the day. You are looking at an unknown number with a limited number of spaces to park in. Parking is really golden in downtown Hershey.

Chairman Pries said they are working with Tri-County as well as Dauphin County as far as the Intermodal and getting more people to utilize the busing service coming in and leaving.

Chairman Pries said they would take into consideration all the discussions tonight and will decide in the future on whether to take steps regarding disposition of this matter. If we desire to implement the amendment, it will be necessary for us to adopt an ordinance moving forward.

ADJOURNMENT

Supervisor Ballard moved to adjourn the meeting at 7:15 p.m. Vice-Chairman Abruzzo seconded. ***The motion carried, 5-0.***

SUBMITTED BY:

Kelly C. Fedeli
Township Secretary

Brenda Van Deursen
Recording Secretary