

AGENDA

**LOWER SWATARA TOWNSHIP
PLANNING COMMISSION**

**REGULAR MEETING
SEPTEMBER 25, 2008, 7:30 P.M.**

1. Call to order
2. Roll call.
3. Approval of Minutes of the August 28, 2008 Meeting.
4. Discuss the request of Delta Development Group for a zoning map amendment for property located adjacent to Route 283. The properties in question are currently zoned Residential-Agriculture (Shope property) and Residential-Suburban (Ball property). The request is to rezone these properties (approximately 112 acres) to Commercial-Highway.
5. Other pertinent business.
6. Adjourn.

MINUTES

**LOWER SWATARA TOWNSHIP
PLANNING COMMISSION**

**REGULAR MEETING
SEPTEMBER 25, 2008, 7:30 P.M.**

Meeting was called to order by Chauncey Knopp at 7:30 P.M. with the following present:

Chauncey D. Knopp, Chairman
Eric A. Breon, Vice Chairman
Paul Wagner
Christopher DeHart
Darlene E. Stoudt, Recording Secretary
Ronald J. Paul, Secretary

Absent: Kimber Latsha
Diane Myers-Krug, Dauphin County Planning Commission
Brenda Wick, Engineer

Others in Attendance:

Leroy Kline, Delta Development Group
Tom Scott, Delta Development Group
Frank Bingman, Delta Development Group
Eric Clancy, Delta Development Group
Kenny Helstrom, Delta Development Group
Scott Fegan, Delta Development Group
Joe Notarfrancesco, 12 Burd Rd.
Betty & Keith Condran, 1760 N. Union St.
Cindy Eisenhuth, 1730 N. Union St.
Irene Hahn, 1740 N. Union St.
Melinda Logan, 1820 N. Union St.
Fay Dickerson, 1880 N. Union St.
Nancy Avolese, 1451 N. Union St.
Marianne & Joe Hoover, 81 Condran Dr.
David Zavoda, 25 Davis Drive
Judy & Tom Librandi, 1805 N. Union St.
Richard Hornberger, 1749 N. Union St.
Allison Garvey, Patriot-News
Jerol Hughes, 1720 N. Union St.
Frank Munoz, Davis Drive
Nancy Light, 5 Floyd Dr.
Vicki Garver & Tom Ritchey, 1745 N. Union St.
Jason Burkhart, Harrisburg, PA
Murray & Linda Ott, 1723 N. Union St.

Thomas Agnew, 1725 N. Union St.
Laddie Springer, 1630 N. Union St.
Dave Butcher, Harrisburg, PA
Kathryn & Gary Barb, 1605 N. Union St.
Robert Wealand, 1555 N. Union St.
Jay Burns, 261 Keystone Dr.
Don & Deb Williams, 280 Stoner Dr.
Adam Felty, 1452 N. Union St.
Carol Siegfried, 192 Shady Lane
Clyde Rabuck, 1750 N. Union St.
Walton Hoover, 1645 N. Union St.
Jessica Stegall, 790 Fulling Mill Rd.
Brad Erickson, 235 Shady Ln.
Megan Anderson, 430 Oberlin Rd.
Alicia Titus, 1690 Oberlin Rd.
Jarred Neal, TPD
Frank Beech, Middletown Home
Roger & Bryan Erickson
Fran & Gary Treyor
Richard Carberry, 710 Oberlin Rd.
Geraldine Cain, 730 Oberlin Rd.
Catherine Kirkham, Middletown Home

MINUTES

Motion was made by DeHart and seconded by Breon to approve the Minutes of the August 28, 2008 meeting.

Motion unanimously approved.

DELTA DEVELOPMENT GROUP ZONING MAP AMENDMENT

The Planning Commission discussed the request of Delta Development Group for a zoning map amendment for property located adjacent to Route 283. The properties in question are currently zoned Residential-Agriculture (Shope property) and Residential-Suburban (Ball property). The request is to rezone these properties (approximately 112 acres) to Commercial-Highway.

Residents were requested to identify themselves if they were planning on commenting on the project. The Planning Commission noted that several people may have not been in attendance at the prior meeting, and asked the developers to explain the request before proceeding with any further comments from the residents.

Leroy Kline introduced himself and his partners, along with Mr. Scott, Counsel for his firm. He stated that previous information to the Planning Commission showed how water and sewer would be provided, and the transportation improvements that might

be implemented to develop the tract. Mr. Kline noted that he would like to share some additional information in response to questions that were posed at the prior month's meeting. His first point was a reply to questions regarding smart growth. He cited several principles of smart growth obtained on the website for the subject. Among other items, one principle he discussed was "walkable neighborhoods" where commercial development is created adjacent to residential communities. This concept allows a mixed-use permitting people to walk to restaurants, shopping, hotels, etc. Another aspect Mr. Kline discussed was integrated-planned buffers where commercial uses were constructed between an interstate highway and a residential community, thus buffering the impact of the interstate from the residential community; in addition, with the commercial uses right next to the interstate, the traffic does not pass through the community to access the commercial development. He also pointed out the impact a residential development would have on the community and the school district. An additional 110 to 120 homes in the area in question would have a definite impact on the schools. One other principle of smart growth, is to keep a number of related uses together in one location, eliminating trips throughout the community. Another point of smart growth is directing the development toward existing infrastructure so that the economic impacts are realized for the community without changing the character of the community. Therefore, he felt that it is correct to bring development of this nature to an area that is directly adjacent to an interstate highway. And lastly, one more item of smart growth is taking advantage of compact building design. In this case, compact building design means putting the commercial development in one location so that the commercial development is not located throughout the Township, but is located at place where it can be of service the community. These are some of the industry standards of smart growth.

His second point this evening was along the same line of smart growth. He went on to site criteria from the Commonwealth of Pennsylvania Keystone Principles of Smart Growth. One major item he mentioned in conjunction with these principles was that in its Comprehensive Plan the Township plans provides for the connector road as part of its future development. He provided information for the residents on how the Commonwealth makes decisions about economic development relative to future growth. This information is specifically published by the Economic Development Cabinet which is an inter-agency cabinet composed of DCED, DEP and DCNI.

In response to questions about how the developers arrived on the economic impact to the community such as the number of jobs, the tax benefits and the benefits to the community. He indicated that he has provided information that addresses these issues. All the numbers in this model are developed by the U.S. Census Bureau information. These figures are available for anyone to see.

Mr. Kline requested that he would be happy to answer any questions from those in attendance. The first question was regarding traffic impacts on the local roadway system. Mr. Erickson of Shady Lane stated that more truck traffic in the area of the road back to his home would be a very unsafe condition as it appeared on the plan. The applicant explained how the development would likely be accessed, and Mr. Erickson agreed that he had misread the plan. In conjunction with Mr. Erickson's question,

another resident of Shady Lane asked if it was true that property on the southwest side of Oberlin Road was also being purchased for development. She was assured that it was not part of this plan.

Mrs. Cain and Mr. Carberry indicated that their homes would be surrounded by the development of this property and they would basically be on an island. A number of questions were posed regarding the impact on their property in regards to taxes and traffic. The applicant explained the proposed road would not be right beside their homes, but would be located away from them. Mr. Kline explained that they are exploring several alternatives regarding traffic. They have not settled in on any one particular design, because it is an area that must be discussed with the Department of Transportation and the Federal Highway Administration. The goal the developer has for putting in a connector road is creating a design where traffic is actually taken off North Union Street and Oberlin Road and bring it on the site, so that the connector road is on the site and keeps traffic in a square-like movement. This would create the main intersections to be located on the site.

Dave Butcher indicated that he had some questions, and was speaking for his in-laws who live on Davis Drive, but were out of town. He also indicated that he had been employed by the City of Harrisburg as a planner. He said he understood that this was not a preliminary or final subdivision plan and explained to the other residents that only a zoning change was being sought at this meeting. He explained also that all the questions they were asking pertained more to the development of the property. Those questions can more adequately be addressed at the preliminary and final land development process. He stated that if the zoning change from Residential-Agriculture and Residential-Suburban does occur, there will be plenty of opportunity to have the questions addressed, as it will be a long process. He said essentially the question was whether or not the rezoning of the property constituted spot zoning. He cited a court hearing where it was stated that spot zoning occurs when 1) it is not commensurate with the comprehensive plan adopted by the Township, 2) if it is arbitrary and capricious. His opinion was that it was not commensurate with the comprehensive plan since the project is outside of the area which the comprehensive plan indicates would be commercial. He additionally commented on the second point of whether the project is arbitrary. The question that is asked is whether an environmental impact study has been conducted, not for the development, but for the rezoning. Mr. Butcher made the case that this could be considered spot zoning because it is only affecting two parcels.

The applicant suggested that Mr. Butcher was leaving out some key points in his comparison. First, he stated that Mr. Butcher is leaving out the point that the Township has received a letter from Dauphin County stating that the zoning change is consistent. Secondly, in accordance with the Township's Future Land Use Plan, the area in question is a designated growth zone. The applicant went on to state the environmental impact studies that have been submitted. Information has been provided outlining the impact on water, sewer, transportation, and the analysis of soils and contamination areas. Tom Scott, counsel for the applicant stated that this was not spot zoning since it consists of 100+ acres. He continued on to state that in the long run this will be a judgment call by

the elected officials of the Township who in the end have the final control of the Future Land Use Map. He stated that there is a lot of very good evidence that this is very good development for this Township. He questioned whether there was a better fit for this property as it sits between two interchanges, the Pennsylvania Turnpike and Route 283. He said it is good news that this commercial use will produce revenue for the Township and the school district, and properly done will be a win-win situation for the Township.

Mr. Butcher asked the Planning Commission to please take into consideration the spot zoning issue. He pointed out that the way the capital markets are right now, the applicant may get his zoning change and then go away. He again asked that the request be tabled to allow time to consider the arguments from the residents. Mr. Breon added to the conversation that a letter has been forwarded to the Board of Commissioners from Dauphin County Planning Commission stating that the County supports the proposed rezoning, as it is in concert with intent of the Township's Comprehensive Plan. However, there are some other issues contained in this letter that have to also be taken into consideration.

The question was asked about what happens if the Township does not permit the requested change in zoning. Does the applicant go away, or do they keep returning? The gentleman asking the question wondered how the recommendation would be presented to the Board of Commissioners. Does the Planning Commission take their recommendation based on what the people want or don't want? It was explained that that would not be entirely true. The recommendation is not based on what residents want or don't want. The Planning Commission decides their recommendation based on what is seen in the Comprehensive Plan, listening to the facts that are presented, and whether or not it meets the requirements to be forwarded to the Commissioners for final decision. The final decision is then placed with the Commissioners. The recommendation, either for or against, will be taken into consideration; however, the final vote does not have to coincide with the Planning Commission's recommendation.

Brad Erickson stated that listening to applicant describing a similar project in another area made the surrounding residents miserable and they too wished to have their properties zoned commercial. Could this project do the same thing to the resident in the Township? He questioned what would happen if everyone would sell out the developers and the entire area become commercial?

Another resident questioned whether there were actually people who supported the zoning change. Among themselves, the residents were asked who might be for the change. No one responded that they were supporting the change. Mr. Breon stated that there could be some hesitancy of a resident to respond to that question. The residents questioned where do the people who would support this project live? Mr. Paul stated that there are residents of the Township who would support it.

Mr. Carberry and Mrs. Cain once again stated they are both concerned about their properties that are situated to the north of the old fire department, and appear to be left on an island by this project, surrounded by commercial uses. Mr. Carberry stated he had a

list of questions that pertain mainly to his property, but may affect others as well. Mr. Breon stated that the questions may be better answered in the next phase which is the development phase, should the zoning change be approved. Mr. Carberry agreed, but stated that the only reason for the zoning request is to allow the development. Mr. Carberry read his questions for the record and reiterated they were very concerned about the extension of Spring Garden Drive, which could run right next to the Cain property. It should be pointed out that the property behind the Cain's and Carberry's belongs to the Township/Lower Swatara Fire Department, and is not part of this zoning request.

Mr. Hoover of Condran Drive addressed the Planning Commission to voice his concern regarding the zoning change. He stated that the land to be rezoned is 'pristine agricultural land.' He questioned why this type of commercial project isn't considered in other areas of the Township where water and sewer already exists. He stated that the Planning Commission members were neighbors of the residents at the meeting, and that it was their job to protect their neighbors. Mr. Hoover stated that he had done a survey within a 5 mile radius of his home of all types of businesses that are available. They are numerous.

Pat Wealand of North Union Street stated that she felt if the neighbors did not speak now, the time would be past, and there would be no say by the residents. She voiced concern that taxes would increase despite the promises of increased revenue from the businesses. She also pointed out the increased truck traffic and speed of motorists using North Union Street.

Mr. Zavoda of Davis Drive also voiced much concern of increased traffic and asked that a study be conducted. He also asked if a vote from the community could be conducted prior to rezoning this property to determine how many are in support of it.

Catherine Kirkham from the Middletown Home stated that she would like to see the Jamesway Plaza being completed. She stated that this area needs completed for the students at the campus and also for residents of the Middletown Home, not to mention that it is unsightly to the surrounding community. It was pointed out that DEP is currently a major hold up with this project, and when their approval is received, development at the site will most likely proceed.

A resident voiced her opinion that she is not particularly trustworthy of the applicant, and that the Planning Commission appeared bored with the residents. She was reassured that that was not the case, that the residents concerns are being considered. Another resident stated that the southern portion of the property along the connector road should not be considered for this project to remain in line with the Comprehensive Plan. He also felt this was clearly spot zoning.

It was also stated that this a very unappealing project for this area, and with the problems currently on Wall Street and malls clogging the market, stores closing, it does not appear to be a good idea.

With regards to a question concerning parks or recreation areas, Mr. Paul pointed out that through the Subdivision and Land Development Ordinance, the Township's regulations are very thorough regarding this subject. Mr. Paul also pointed out once again that many of these questions are items that are addressed during the development stages. At this stage, the Township and the applicant are discussing consistency with the Comprehensive Plan as it relates to the requested zoning map amendment. As development would occur, these items would be looked at and controlled, for example the location of the road. The goal of the Comprehensive Plan is to connect Spring Garden Drive with North Union Street for a number of reasons, but the location is subject to many design features as to where it could actually end up. As for questions regarding why the entire parcel is being considered for rezoning, the rezoning of entire parcels is a normal countywide practice. He pointed out that the zoning map reflects very little commercial areas in the Township. He also reiterated that those who make the decisions in this Township are very proud of it, and strive to make the best choices. He stated that decisions are based on what is best for everybody. He asked that everyone keep in mind that the decision will be made by the Board of Commissioners, the Planning Commission is a recommending group. There will be public hearings before the Board where several good points will again be conveyed to them.

When asked why join Spring Garden Drive with North Union Street, it was stated that for emergency purposes (i.e. Police, EMS, Public Works), it would be a more direct route, and also for better traffic flow. Mr. Paul went on to say that while the area is currently agricultural land, it is not "pristine." The residents are kidding themselves if they believe that it will sit there and not be developed. Therefore, the choice must be made as to how and what is the best way to develop it for everyone. That is the purpose of meetings such as this and why there is a Comprehensive Plan, although it is not always something chiseled in stone. It is important to keep in mind that whether the land is developed residential or commercial, the Township is still going to want the road going across to North Union Street. Mr. Paul's comments raised a question regarding the construction of a new fire department that was located on a road that went straight to North Union Street. It was pointed out, however, that other emergency services are not at the same location as the fire department.

Mr. Paul was also questioned whether more traffic would be generated by commercial or residential uses. He felt that either use would probably be about the same. A traffic study will be done as development progresses. The resident insisted that some form of study should be available to know how many trips would be generated by each use. The applicant stated that these studies are ongoing. Another resident wanted to know how a decision could be reached without all the facts. He alluded to the notion that the applicant may not be trustworthy to be giving out all the facts. Mr. Breon informed the residents that they are welcome to see any and all paperwork that is provided. An accusation that the Planning Commission appeared bored and arrogant at times, was rebuffed by another resident who stated that Mr. Paul has always been fair. Mr. Paul apologized if his demeanor appeared as such, but assured the resident that he understands this much more than the average person. He emphasized that anyone is welcome to come to the office to see him, he is willing to sit down and talk to anyone, and ready to listen to

input from residents. A request to put something on the website did not seem like a great idea as it could generate even further questions as to what is being looked at.

Mr. Butcher stated that all the information right now is coming from the applicant, and further stated that either their attorney was lying or did not know what he was talking about regarding the spot zoning question posed earlier. Mr. Paul stated that the Township's legal counsel could look into the spot zoning issue. Brad Erickson stated that everyone is aware how numbers can be crunched, and therefore, requested an independent study be done by the Township, to determine if the applicant's numbers are flawed. If the request is fulfilled and the Township finds out later that the numbers were wrong, it is the residents who have to live with the consequences.

There were additional questions about walking to the development that may occur. The residents felt the only ones who could walk to the area where the same people at this meeting, none of whom appear to want this development. Once again the question arose regarding whether or not adjacent property owners were contacted. Several people indicated they had not had any contact from the applicant.

Many more questions arose regarding road widening and the connection of North Union Street with Spring Garden Drive, where will the money come from for this development, will water and sewer be forced on the residents because of this development, what the environmental impact will be with pollution, crime, animals, noise, etc. Has a risk assessment been done, as far as the types of people that will be employed by the types of businesses that will be built? Will more police officer be needed? Have any studies been done that show a need for the type of development being proposed. It was stated that the residents vote for the Commissioners who are in office, and they can be voted out as well. The comment was made that there is a hope that a decision will be with open hearts and minds for a wise choice, as the residents will be counting on that.

With many questions to be answered, and some confusion regarding the spot zoning issue, a motion was made by Breon and seconded by Wagner to table the request of the Delta Development Group for a zoning map amendment so that the Staff can reply to some of the concerns expressed at this meeting.

Motion unanimously approved.

At a request from Mr. Williams of Stoner Drive for each member to give their opinion, the Planning Commission responded that they could not yet do that. Mr. Paul stated that anyone who read the paper should be aware as to what his opinion is, but again pointed out that he had no vote on the matter.

Mr. Knopp thanked everyone for their input at this meeting, and assured the residents that each of the members want the best for the Township. In return the residents also offered their thanks for the Planning Commission allowing them to speak their feelings.

ADJOURN

A motion was made by Wagner and seconded by DeHart to adjourn the meeting.

Motion unanimously approved.

The meeting adjourned at 9:13 P.M.

Respectfully submitted:

Ronald J. Paul, Secretary