**M I N U T E S**

**LOWER SWATARA TOWNSHIP REGULAR MEETING**

**PLANNING COMMISSION NOVEMBER 21, 2019 7:00 P.M.**

Meeting was called to order by Chauncey Knopp at 7:00 P.M. with the following present:

Chauncey Knopp, Chairman

Eric Breon, Vice Chairman

Dennis Fausey

James Young

Peter Henninger, LST Solicitor

Ann Hursh, LST Planning & Zoning Coordinator

Tonya Condran, Recording Secretary

Excused:

Kimber Latsha

Shawn Fabian, HRG

Alexa Korber, DCPC

Others in Attendance:

Danielle & Ethan McLoren, Rowell request

James Rowell, Rowell request

Michael Schwab, D&H

Jon Andrews, D&H

Mark Harkins, resident

Ron Burkholder, Colony of Old Reliance

Jeff Staub, Dauphin Engineering

Ron Secary, Snyder, Secary & Associates

Tim Kinsley, Kinsley Properties

(Illegible name), D&H

Nick Divan, D&H

Laura Hayes, Press & Journal

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**APPROVAL OF MINUTES:**

Mr. Knopp asked if there was a motion to approve the August 22, 2019 meeting minutes. Motion was made by Mr. Fausey to approve the minutes and seconded by Mr. Young. All were in favor. Minutes were approved.

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

**a. Zoning Docket #SE/V2019-02 Special Exception for DHK Harrisburg, LLC -** located north of Rosedale Avenue, west of the Airport Connector (the old Jednota property). Review and discuss for recommendation for a Special Exception to §27-1005.7 to allow increase of the building height and a variance to reduce the number of parking spaces and size of the parking area, as submitted by McNees Wallace & Nurick LLC on behalf of their client DHK Harrisburg, LLC.

Jon Andrews, a land use attorney with McNees Wallace & Nurick, came to the microphone on behalf of DHK Harrisburg, LLC. He introduced their team and went on to explain their request for the Special Exception.

Mr. Andrews went on to explain that what is permitted in the ordinance is a 40’ height for the building and they are asking for 50’. He described the building as a 745,000 square foot warehouse building to be used as a distribution center for technology and other consumer products. He said they will be back before this board with a land development/subdivision plan, but the only thing to be discussed tonight is this Special Exception application for the building height.

Mr. Andrews said that the reason for the increased height is to try to limit the overall footprint, the higher they can go the more space there is in the building. By being able to go to 50’ of total overall height, they get 36’ of clear-space inside which allows for a racking system that provides more storage. The lower height of 40’ would require a larger building footprint and that creates more of an environmental impact and more impervious coverage, therefore more stormwater.

Mr. Andrews said that at the Zoning Hearing they will show all of the Ordinance standards and how they will comply with them. He wanted to note that there are no concerns with the airport hazard zoning overlay in this area. At 50’, the building will still remain under the approach zone that applies in that area.

Mr. Andrews now opened the floor to any questions or comments from the Planning Commission and staff.

Mr. Breon reiterated that there would be no FAA waivers required.

Mr. Andrews confirmed that. He said based on the overall property elevation, with the additional height of the building, they are still below that zone.

Mr. Breon asked if the proposed 50’ height is for the majority of the structure and not just a small section.

Mr. Andrews confirmed that.

Mr. Breon asked how the extra 36’ of space is calculated by raising the height to 50’.

Tim Kinsley of Kinsley Properties, partner in ownership of the building, came to the mic to explain this. Storage requirements state that you need 36’ at the lowest part of the building, which would be on either side where you come in through the dock doors. The roof slopes up and building is 600’ wide. There is a code that stipulates the minimum slope, so when you take that minimum slope and you get up to the peak of the roof, there is where the extra space is created.

Mr. Breon felt this was a logical explanation and thanked Mr. Kinsley.

Mr. Knopp asked for any other questions or comments.

Mrs. Hursh stated that the township staff has no concerns. She said they have addressed Fire Safety in their packet.

Mr. Breon jokingly said that this meeting for them tonight is basically just a speed bump.

Mr. Henninger stated that in most municipality’s codes, Special Exceptions can be referred to the Planning Commission for review, comment, and recommendation. Mr. Henninger also added that from a legal standpoint, he sees nothing wrong with their request.

Mr. Breon asked if they could go over the parking spaces variance, as well.

Mr. Andrews explained that based on the Township’s Ordinance requirements, they would need about 921 parking spaces. What they are proposing is 450 parking spaces, which is more than enough to cover their maximum amount of employees at a shift change, which is 350 employees total. They see no need for that additional parking, it is just unused impervious coverage that has an impact on stormwater. He added that if you look at the ITE (Institute of Transportation Engineers) and how they calculate actual average parking demand for a building like this, it is in the 380 range. So they are providing more that ITE’s suggestion. So Lower Swatara Twp.’s Ordinance requires an excessive amount.

Mr. Henninger commented that our parking regulations are out of date as far as the Zoning Ordinance is concerned at this point. He feels this is something that needs to be looked at because he thinks these regulations go back to the 1980’s. He said he sees no legal issues with the parking request either.

Mrs. Hursh said she agrees, if they are not going to use the parking, we wouldn’t want it there.

Mr. Young asked Mr. Henninger if we need to take any action on the parking item.

Mr. Henninger said that it is not necessary, but we may if we were so inclined.

Mrs. Hursh added, just as a note, that when Wilsbach Distributors come in, she believes they are also looking for a special exception for 50’ height for their building.

Mr. Knopp asked for any other questions or comments.

There were no more at this time.

Mr. Knopp asked if there was a recommendation from the Planning Commission.

Mr. Fausey made the motion to recommend approval being that the Planning Commission has no issue with either and we support both the Special Exception (building height) and the Variance Request (lesser number of parking spaces).

Mr. Young seconded the motion.

All were in favor.

**b. Zoning Docket #SE/V2019-04 Special Exception for James Rowell, 135 Cockley Road -** at the request of the applicants, James and Diane Rowell, to allow an accessory apartment dwelling in the Residential-Agricultural Zoning District and variances from the provisions of the Lower Swatara Township Code of Ordinances §27-2002-15 to allow the construction of an accessory apartment and §27-2002-15.F to allow the dwelling to be more than 30% of the total floor area and greater than 400 square feet.

Mrs. Hursh gave a little history on this matter. About a year and a half ago, the Rowell’s called to ask if they could build a barn with an apartment in it; which she told them yes, but they would have to go through the Special Exception process. Then plans changed a little and it turned out to be an addition. But when they submitted their building plans the other week, Mrs. Hursh saw that it wasn’t really just an addition, it could only be described as an Accessory Apartment according to LST Ordinance.

James Rowell of 135 Cockley Road came to the microphone. He informed that at first they were planning on building a separate structure, but it created too many challenges so they decided to put an addition on the house.

Mrs. Hursh interjected that it looks more like a duplex and didn’t fit the Accessory Apartment definition because it was not “within the existing home with no visible changes on the outside”.

Mr. Henninger added that it is basically going to operate like a duplex, with two separate living quarters. There may be a door between them.

Mr. Rowell confirmed that it is two separate living quarters but all the same utilities.

Mr. Henninger said that it is really like an accessory apartment that is larger and they are here tonight because it is more than 400 square feet and more than 30% of the existing square footage.

Mr. Rowell added that he already has the septic permit and the stormwater management permit.

Mr. Henninger asked Mrs. Hursh to clarify what they needed now.

Mrs. Hursh responded that they need the special exception to allow the accessory apartment. They need the variance because it is going to be larger than permitted.

Mr. Rowell interjected that it really going to be an in-law quarters for him, he is just planning for the future.

Mrs. Hursh added that we did receive a phone call from the owner of Wil-Lo Farms MHP, Mr. Carl Dalmyer, who said he had no issues with this plan. (Wil-Lo MHP is directly adjacent to Mr. Rowell’s property.)

Mr. Young made the motion in support of the special exception request being that Mrs. Hursh and Mr. Henninger saw no problems with it.

Mr. Fausey seconded the motion.

All were in favor.

**c. Sketch Plan for Colony of Old Reliance -** located east of Old Reliance Farms and presented by Dauphin Engineering and Ron Burkholder.

Jeff Staub of Dauphin Engineering came to the microphone to discuss the changes from the original plan that was presented back in 2010:

* The original concept was to do what Ron Burkholder called Williamsburg North but it appears that the market conditions are not going to let that occur.
* They are changing the unit mix from a variety of different uses that the old plan had to simply two types of units with this new plan: singles and duplexes.
* The old plan had a total of 221 living units and 5 commercial lots. The new plan has 142 living units and 2 commercial lots.
* So the unit mix is quite a bit different from what was originally approved, but the infrastructure (streets, sanitary sewer system, stormwater collection system, etc.) is virtually the same. They are not changing the street layout, just the unit mix.

He went on to say that they are just presenting this tonight to bring everyone up to date on what they were thinking about, and to answer any questions or listen to any comments on what they are proposing.

Mr. Fausey asked where exactly this was because he was not here (on the Planning Commission board) when this was approved back in 2010.

Mr. Staub explained that the site is on the south side of Longview Drive, and just east of Old Reliance Farms development. The property is about 57 acres in size.

Mr. Breon asked about the central commons area on the plan.

Mr. Staub informed that it is mostly grass with some landscaping. There will be a walking path around the perimeter. Mr. Staub went on to explain that this is a TND (Traditional Neighborhood Development) overlay that the Zoning Hearing Board granted to Ron Burkholder. The TND Ordinance requires a central commons area to be shown on a plan.

Mrs. Hursh said that one of the comments the township had was that the duplexes were very close to the street, which they are permitted to do with the TND but then there are issues with parking.

Mr. Staub said that what this plan does not show (because the building footprints are not in any detail) is that the duplex units have a “bump-in” where the driveways and garages are, so 2 cars will be able to park in the driveway, side-by-side.

Mr. Breon asked is the houses were going to be ranches or two-stories or a mix.

Mr. Staub said that it will vary.

Mr. Burkholder added that what this plot plan shows is the maximum amount of space for each building.

Mr. Henninger said it is just the impervious footprint.

Mr. Breon asked if the streets would be dedicated to the township.

Mr. Staub informed that in the approved plan, the streets were private, even though they were designed to be turned over to the Township if some point in the future the Township wanted to have the streets dedicated. The intent of this plan is to dedicate the streets.

Mr. Staub said that when they met with Mrs. Hursh and the Board of Commissioners, there was discussion about making certain that when the plans were resubmitted as a Subdivision/Land Development Plan for the preliminary plan approval to make sure they provided for snow storage in the two cul-de-sac areas. There was also a comment about showing some additional off-street parking areas, three or four spaces here and there interspersed throughout the development.

Several other comments and questions were asked relative to the different lots.

Mr. Knopp asked if the Township has no problem with what they are proposing.

Mr. Henninger replied that they just had a few comments and concerns about off-street parking and not blocking the sidewalk. There will also be comments about the Fire Department accessibility and snow removal.

Mr. Knopp asked if there were any other questions or comments from the Planning Commission.

Mr. Fausey asked when they anticipated the start date on this development.

Mr. Burkholder said this is probably a year out.

Mr. Staub informed that they need to reapply for the Wetland Permit and the NPDES permit since they both expired.

Mr. Henninger reminded that this is all just for informational purposes only tonight.

**OTHER BUSINESS:**

The next Planning Commission Meeting will be held on Thursday, December 19, 2019 at 7:00 P.M.

**ADJOURN:**

A motion was made by Mr. Fausey and seconded by Mr. Young to adjourn the meeting.

Meeting adjourned at 7:33 P.M.

Respectfully Submitted,

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Ann Hursh

Planning and Zoning Coordinator