

# FAIRVIEW TOWNSHIP PLANNING COMMISSION

December 2, 2016

## AGENDA

### CALL TO ORDER

Mr. Powers call the meeting to order at 7:00PM

### ROLL CALL

Present:

Chairman	Michael A. Powers
Vice-Chairman	Michael E. Thompson
Member	Anne K. Anderson, P.E.
Member	Adam Williams, R.L.S
Member	Michael J. Mehaffey, P.E.
Codes Director	Stephen M. Waller

Absent:

Township Engineer	Drew Bitner, P.E.
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### APPROVAL OF THE MINUTES

Mrs. Anderson, made a motion, seconded by Mr. Thompson, to approve the minutes of the November 1, 2016 meeting. Vote on the motion. All Yes. The motion carried.

### DISCUSSION AND CORRESPONDENCE

1. January Meeting Conflict – Mr. Waller advised the Planning Commission members that the upcoming January 3, 2017 may be delayed from its 7:00pm start time due to the Board of Supervisors re-organization meeting taking place at 6:00pm that same evening.
2. Zoning Map Change Request – Keystruck Construction Inc. – Mr. Waller advised the Planning Commission that a zoning map change request had been received for the property located at 575 Old York Road, Lewisberry, PA 17339. The property consist of 22.075 acres, is located in the Commercial Business (CB) zoning district and currently has an unoccupied residential dwelling on it. The request would be to change the zoning to Industrial Business (IB).

Mr. Waller advised the Planning Commission that the map change request had been presented to the Board of Supervisors to make them aware at the October 2016 meeting and that the request has been forwarded at the same time to the York County Planning Commission(YCPC) for their review and recommendation. Mr. Waller noted to the Fairview Township Planning Commission that the YCPC recommendation had been

received already and was included in the materials they received. The YCPC recommendation was to deny the request (a copy will be made part of the minutes).

Lastly, it was noted that the Board of Supervisors, at their meeting on December 5, 2016 scheduled the Public Hearing associated with this request for 7:00pm at their regular January 30, 2017 meeting.

At this time, Joe Gurney, RLA - First Capital Engineering; John Luciani, PE - First Capital Engineering; Gerry Blinebury, Executive Director/Broker – Cushman Wakefield and Jerry Watson, PE/President of Keystruck Construction Inc, all spoke on behalf of the map change request. They discussed the following aspects of the request:

- This is the second iteration of this map change. This change is very much like the initial request with a different owner. The previous map change request when presented to the Planning Commission in early 2016 was recommended on favorably by the commission.
- The physical location of the site as is relates to the Industrial Business zoning district (on the west side of I-83) which is directly adjacent to the site;
- The existing uses surrounding the site (commercial uses to the north and south; residential and commercial uses to the east – across Old York Road);
- That the site is restricted by several environmental constraints (wetlands, floodplains, streams) that would not make it cost effective in their opinion to be developed as a permitted use in the CB Zoning District.
- The sites limited access to Old York Road due to the environmental constraints.
- The proposed use would be, in their opinion, the best use for the site taking into consideration the location of the project site to Interstate 83, the size of the property and the environmental constraints.
- The traffic to and from the site would be limited by the size of the structure (proposed structure of 240,000 square feet) and the use of the structure (Industrial use) to a low volume driveway;
- The site has been on the market for approximately 15 years due to the difficulty in developing the site.

Mr. Waller presented the following staff comments from a memo dated November 28, 2016 to the Planning Commission and noted that staff did not support the Zoning Map change request:

- The proposal map change IS NOT consistent with the 2010 Comprehensive Plan as it relates to the Future Land Uses for this area (see attached future land use plan). The Comprehensive Plan shows this area to be "Community Mixed Use" (CMU). The CMU definition outlined in the Comprehensive Plan does not support industrial uses.
- The Zoning Ordinance general guidelines for a map change specifically note that there are three guidelines to use when reviewing a map change request. (Sec. 300.98.C(2)(c)[2]). "The township shall decide if the proposed rezoning or map change request is or is not generally consistent with the most recent version of the

Fairview Township Comprehensive plan...". The next two criteria are dependent on the map change being consistent with the Comprehensive Plan. They read in part "If the rezoning or map change request is found to be generally consistent with the most recent version of the Fairview Township Comprehensive Plan,..., the township shall consider any projected beneficial and/or detrimental effects..." .

- The proposed map change going from CB to IB would allow for ANY of the permitted IB uses to be located "by right" on the property. The permitted uses for IB are: Automobile wrecking, junk, scrap storage or sales; heavy equipment, boat, mobile/manufactured home, recreational vehicle, truck and other similar large or heavy-duty motor vehicle rental/sales, repair/service, washing, and or fuel/gas sales; Industrial use, general (*Involving the processing and manufacturing of semi-finished and/or finished materials or products predominately from extracted, raw, and/or recycled materials; or engaged in the storage, manufacturing processes, or shipping of flammable or explosive materials; or engaged in the storage of, manufacturing processes, or shipping or materials or products that potentially involve hazardous or commonly offensive conditions; and due to the more intensive nature of the processes, materials, products, etc., such uses that may disturb and/or endanger neighboring properties*); Light Industrial (*Involving the manufacturing, predominately from previously prepared semi-finished or finished materials, products, or parts of finished materials and products, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution, as well as the repair of such finished products; but excluding the processing of extracted, raw, and/or recycled materials; and due to the lower-intensity nature of such processes, materials, or products, produces no noise, vibration, air pollution, fire hazard or noxious emission, which would disturb or endanger neighboring properties. Involved in the production and/or repair services of large-major appliances; electrical instruments; office and vending machines; precision instruments; electronic devices; timepieces; jewelry; musical instruments; novelties; mass-produced personal and office furniture and equipment; wood products such as cabinetry; printed materials including all forms of media and signs; lithographic plates; type composition; machine tools; dies and gauges; ceramics; apparel; lightweight metal castings; film processing; light sheet metal products; tinsmithing, welding, plumbing, heating, ventilating and air-conditioning plastic goods; pharmaceutical goods, medical supplies, optical goods, and related equipment and appliances; and food products and frozen food lockers; taxidermy, but not animal slaughtering or curing nor rendering of fats, when such facilities are in a completely enclosed building and/or structure*); Laundry and dry cleaning -industrial; Mineral extraction; Outdoor storage; Research and development; Sawmill; Solid waste transfer; truck dump lot; warehousing, distribution and wholesaling; Treatment center (by special exception); Solar energy production; Wind energy production; Vocational school; Motor vehicle auction and Commercial kennels)

- The submitted materials do not show the adjacent uses of the land surrounding the property. There are existing commercial businesses to the north and south with a mix of residential and commercial uses to the east.
- The plans indicate a minimum lot size of 25 acres. There are no minimum lot size requirements for the CB or IB zoning districts.
- The submitted plans indicate the setbacks, coverages for the Commercial Business Zoning District. An additional plan OR one of the existing plans should indicate the proposed criteria for the site associated with the IB zoning standards.
- There is a stream shown on the existing features plan (also on the architectural rendition) that is currently running directly below the proposed warehouse. The plan is proposing to relocate this stream in very close proximity to adjacent properties south of the subject property. Caution should be used in that this relocation could impose restrictions on properties not under the ownership of the applicant (default floodway setback).
- The township has the right to request additional information as it relates to stormwater, any environmental impacts (sight lighting, noise) and traffic impact studies. It may be beneficial to have preliminary traffic impact numbers so that those numbers could be evaluated as it relates to the existing impacts to the Wyndamere Road/Yorktown Road Intersection; Wyndamere Road/Salem Road Intersection as well as both ramps to Interstate 83 at the Lewisberry interchanges. The township is currently reviewing a larger development that impacts and is proposing changes to the traffic at these intersections.

The Planning Commission had the following comments concerns regarding the request:

- That once zoning is changed that any of the permitted uses outlined in the Industrial Business could be located on the subject property;
- Industrial Business generate the most tax dollars for the municipality with the least amount of use of municipal services.
- Interstate 83 is a natural dividing line for the zoning districts from a comprehensive plan standpoint but maybe due to the sites lack of development for this period of time, the Industrial business may be the best use. OR the price of the property may be overpriced due and keeping permitted commercial uses from developing the land.
- Due to the sites environmental constraints it may not be possible that it can be developed as a commercial property.

- The Comprehensive Plan took into account Interstate 83 as a natural dividing line for the township and that the Commercial Mixed Use areas were designated in this area to fit in with the existing commercial and residential uses in this area.
- They expressed concerns regarding the truck traffic associated with the site as it relates to access onto Old York Road, Interstate 83 at the Fishing Creek – Exit 36 and the Yorktown Road – Exit 35 Interchanges.
- There were also concerns regarding the existing residential neighborhoods and commercial business in the area that may be affected by the proposed change in zoning to an industrial use.

#### MOTION ON THE ZONING MAP CHANGE REQUEST:

Mr. Thompson made a motion to recommend approval of the zoning map change request, which was seconded by Mr. Powers. Vote on the motion: Mr. Powers – yes; Mrs. Anderson – no; Mr. Thompson – yes; Mr. Williams – no; and Mr. Mehaffey – no. The motion failed 2-3.

Mrs. Anderson made a motion to recommend denial of the zoning map change request which was seconded by Mr. Mehaffey. Vote on the motion: Mr. Powers – no; Mrs. Anderson – yes; Mr. Thompson – no; Mr. Williams – yes; Mr. Mehaffey – yes. The motion carried 3-2.

#### SKETCH PLANS

There were no Sketch Plans.

#### SUBDIVISION PLANS

##### 1. Final Subdivision – Weigle - Ridge Road – 2 Lots

Mr. Waller presented the plan to the Planning Commission members and read the following remaining staff comments into the record:

Zoning Ordinance:

All Zoning comments have been addressed.

Subdivision Ordinance:

1. The plans do not have the certification and dedicatory statement signed by the owners. SLDO 260.14.A(13)
2. Proof of DEP Planning Module approval will be required. SLDO 260.14.B(2)
3. Roadway widening is not depicted on the plans for improvements to the frontage of Ridge Road. SLDO 260.22.A(7) *Applicant has requested a modification of these requirements.*

4. Pursuant to Fairview Townships Act 209 Traffic Impact Fee ordinance, a fee will be imposed for each new PM vehicular trip associated with the development at a rate of \$1,964.00/new trip. Based on the information provided, 2 new PM vehicle trips will be created with the proposed subdivision plan. The amount of \$1,964 will be required for traffic impact fees PRIOR to issuance of each building permit for the lots SLDO 260.63

General Comments:

1. All plans have to comply with Resolution 2008-13, which indicates that all accounts with the township must be current and not delinquent.

Modifications:

1. Roadway Widening along Ridge Rd. SLDO 260.22.A(7)

Modification Request action:

Mr. Thompson made a motion to recommend favorable action on the roadway widening modification from SLDO 260.22.A(7), Mrs. Anderson seconded the motion. Vote on the Motion, All yes. The motion carried.

Subdivision Plan Action:

Mr. Thompson made a motion to recommend favorable action on the subdivision plan, Mrs. Anderson seconded the motion contingent on compliance with staff subdivision comments 1- 4 and general comment #1. Vote on the Motion, All yes. The motion carried.

**2. Final Subdivision – Cedar View Estates - Cedars Road – 2 Lots**

Mr. Waller presented the plan to the Planning Commission members and advised them that this plan had received relief from Zoning Ordinance requirements from the Zoning Hearing Board for lot width requirements. Mr. Waller read the following remaining staff comments into the record:

Zoning Ordinance:

All comments shave been addressed.

Subdivision Ordinance:

1. Ordinance requires that the Original Property Description plan be depicted at a scale of 1" = 400'. SLDO 260.14.A(1) Applicant has requested a modification of these requirements.
2. The surveyor/engineer signature and seal are required to be on the plans. SLDO 260.14.A(12)

3. The plans do not have the certification and dedicatory statement signed by the owners. SLDO 260.14.A(13)
4. Proof that the DEP Planning Module approval that took place in April 2007 is still valid by DEP, will be required. SLDO 260.14.B(2)
5. Roadway widening is not depicted on the plans for improvements to the frontage of Cedars Road. SLDO 260.22.A(7) Applicant has requested a modification of these requirements.

General Comments:

1. Is there an easement or one being propose for the existing Melhorn driveway encroachment on the western property line?
2. Pursuant to Fairview Townships Act 209 Traffic Impact Fee ordinance, a fee will be imposed for each new PM vehicular trip associated with the development at a rate of \$1,583.00/new trip. A letter should be provided assessing new traffic volumes, so that it can be reviewed by the Traffic Consultant. Ord 2015-4 ACT 209 Traffic Impact Fee Ordinance
3. All plans have to comply with Resolution 2008-13, which indicates that all accounts with the township must be current and not delinquent.

Modifications:

1. Original Property Description SLDO 260.14.A(1)
2. Roadway Widening along Cedars Rd. SLDO 260.22.A(7)

Modification Request action:

Mrs. Anderson made a motion to recommend favorable action on the original property description modification from SLDO 260.14.A(1), Mr. Thompson seconded the motion. Vote on the Motion, All yes. The motion carried.

Mrs. Anderson made a motion to recommend favorable action on the roadway widening modification from SLDO 260.22.A(7), Mr. Thompson seconded the motion. Vote on the Motion, All yes. The motion carried.

Subdivision Plan Action:

Mrs. Anderson made a motion to recommend favorable action on the subdivision plan, Mr. Thompson seconded the motion contingent on compliance with staff subdivision comments 1- 5 and general comments #2-3. Vote on the motion, All yes. The motion carried.

## **LAND DEVELOPMENT PLANS**

There were no Land Development Plans.

## **OLD BUSINESS**

Mr. Waller advised the Planning Commission that no plans had been resubmitted for consideration at this meeting.

## **NEW BUSINESS**

There being no New Business, Mr. Powers moved to Zoning Hearing Board.

## **ZONING HEARING BOARD**

Docket 2016-04: The Applicants are Ronald and Debra Diller, 621 Moore's Mountain Road, Mechanicsburg, PA 17050. The Applicants are seeking variances to Section 300-16.A – minimum lot width at the street right-of-way line for two lots: Tax Parcels: 27-PE-80C- 000000; and 27-PE-81F-000000. The properties are in the RL (Rural Living) District and are owned by the Applicants.

Docket No. 2016-09: Thomas D. Henson, 893 Siddonsburg Road, Lewisberry, PA 17339. The Applicant is requesting a special exception to the Fairview Township Zoning Ordinance, Section 300-15 for an accessory apartment in a single family dwelling which is his residence. The property is owned by the Applicant and is in the Rural Living Zoning District.

## **ADJOURNMENT**

Mr. Thompson made the motion to adjourn the meeting, seconded by Mrs. Anderson. Vote on the motion. All Yes. The motion carried at 7:55 PM