

**SPRINGETTSBURY TOWNSHIP
PUBLIC HEARING**

**JULY 28, 2016
APPROVED**

The Springettsbury Township Board of Supervisors held a Public Hearing on Thursday, July 28, 2016 at 6:00 p.m. at the offices of Springettsbury Township located at 1501 Mt. Zion Road, York, PA.

MEMBERS IN

ATTENDANCE: Mark Swomley, Chairman
Blanda Nace
Kathleen Phan
George Dvoryak
Bill Schenck

ALSO IN

ATTENDANCE: Charles Rausch, Solicitor
John Luciani, Civil Engineer
Dennis Crabill, Environmental Engineer
Jessica Fieldhouse, Director of Community Development
Dori Bowders, Manager of Administrative Operations
Dan Hoff, Chief, YAUFRR
Jean Abreght, Stenographer

1. CALL TO ORDER:

2. NEW BUSINESS:

SWOMLEY Chairman Swomley called the Public Hearing to order. He noted the purpose of the meeting was to review possible re-zoning of the area of East Market Street and Mt. Zion Road. He provided some guidelines for the meeting and noted that because the notices had not gone out to adjacent property owners within the 30-day period required for a Public Hearing, this Public Hearing would be continued until August. Everyone will have an opportunity for full understanding of what is proposed. He added several points:

- The proposed re-zoning was not put forward by any developer.
- The Board of Supervisors requested the Planning Commission to do a full review of what would be the best use for the area moving forward.
- The proposal will not be voted upon this date.

RAUSCH Solicitor Rausch stated that by the August 25th Public Hearing comments should be returned to the township from the York County Planning Commission as well.

SWOMLEY Chairman Swomley added that the York County Planning Commission had had quite some time to address this on their schedule. The township had provided everything needed in advance. Chairman Swomley introduced Jessica Fieldhouse, the new Director of Community Development.

LUCIANI Mr. Luciani stated that the Board of Supervisors had requested that the area of Mt. Zion Road and East Market Street be reviewed to see what could be constructed within the current zoning and what might be possible if the zoning is modified. He noted that he and Ms. Fieldhouse had created a PowerPoint presentation along with handouts of the proposed re-zoning. The plan had been discussed by the Planning Commission during at least three meetings with very productive discussion and debate. He indicated that the Town Center Overlay is an important visual aspect of the improvements.

FIELDHOUSE Ms. Fieldhouse provided some background of her 13 years of municipal, urban and regional planning in York County. She stated that she was very familiar with the township as she had planning experience working for First Capital Engineering doing plan reviews and working with developers. She indicated she was excited to meet all the residents and to begin working in the township. She intended to review the following:

- Purpose of a Public Hearing is to provide information and education.
- Goal is to review evaluation of potential re-zoning of the properties immediately surrounding East Market Street and Mt. Zion Road intersection.
- Impacts to different property owners in the area, land use, design guidelines and challenges will be discussed.

LUCIANI Mr. Luciani stated that the township had implemented the Town Center Overlay several years ago. He noted the intent was to bring buildings closer to the street with parking behind the buildings and provide walkable communities. The Planning Commission reviewed the area in question and noted that the intersection is the gateway to the township. Their recommendation included:

- South east corner, Rite Aid, added to the Town Center Overlay.
- South west corner, historic properties, offices and homes, remain in Town Center Overlay.
- North east corner, Modenaire Hotel, included in the Town Center Overlay; included in vision for proposed re-zoning from Neighborhood Commercial to Commercial Highway.
- North west corner to remain Neighborhood Commercial with Town Center Overlay.

Re-zoning Proposal

FIELDHOUSE Ms. Fieldhouse commented that for the re-zoning proposal, the Planning Commission recommended the following:

- 1)An overall proposal for the Board of Supervisors review; to re-zone 23 parcels along Mt. Zion Road and East Market Street from Neighborhood Commercial to Commercial Highway and add the Town Center Overlay.

2)The second part of their rezoning proposal to the board was to rezone two parcels along Mt. Zion Road and East Market Street from R-1 High Density Residential to C-H Commercial Highway and add to the Town Center Overlay.

3)The third part of this rezoning proposal was to add 41 parcels along Market Street and Mt. Zion Road to the Town Center Overlay.

Why Consider a Re-Zoning

FIELDHOUSE Ms. Fieldhouse noted specific reasons for consideration:

- Improvements needed in the intersection itself. PennDOT had spent approximately \$3 million to widen the intersection and approaches; Springettsbury spent about \$1 million for turning lanes. All the improvements had increased the level of service and added smoother function.
- Consistency with adjoining zoning districts. The 24-acre area under consideration is bounded by Neighborhood Commercial, Highway Commercial and General Industrial. There are a number of obsolete structures. The goal is to create more walkability within the high density residential areas to the commercial areas and to increase redevelopment interest.
- Any development in the area must conform to the existing zoning ordinance. The goal is to create an environment where the township can work with developers for something everyone will enjoy.

Infrastructure Improvements

FIELDHOUSE Ms. Fieldhouse stated that the increased capacity created by the intersection improvements made had created a commercially desirable intersection, along with public safety concern with a number of small driveways entering and exiting onto Mt. Zion Road. The recommendation in that area is for Highway Commercial.

Create Opportunities for Walkability

FIELDHOUSE Ms. Fieldhouse noted the number of apartment complexes and condos creating a densely populated area. The recommended Town Center Overlay will connect those populated areas to nearby commercial centers such as York Market Place, Firehouse Shops, Home Depot, Yorktowne Center and the Galleria Mall.

Obsolete Uses

FIELDHOUSE Ms. Fieldhouse commented that market trends indicate obsolete uses in the area are not the highest and best uses. The Zoning Ordinance and the Comprehensive Plan will guide future development.

Impacts of Rezoning – Land Use

FIELDHOUSE Ms. Fieldhouse reported that she and Mr. Luciani had developed a handout for the public which identified different land uses in different zoning districts. She explained the different uses:

R1 – Springetts Manor - Proposal is Highway Commercial. Adding additional residential development to this intersection is not desirable as it would burden the intersection and create additional issues for current residents.

Potential Build Out - current

LUCIANI Mr. Luciani identified the slide with the blue areas that, with the current zoning, a developer could come in and build 180 or more apartments. There is a current market for apartments.

Impacts of Rezoning – Design Guidelines

FIELDHOUSE Ms. Fieldhouse referred to the table of land uses provided.

- Highway-Commercial is recommended as residential development is not permitted.
- Adding the Town Center Overlay over top of this area is because it provides a further layer of guidelines and restrictions. Only uses would be Public Parks, Farmers Market, Dental Office, Professional/Medical Office, Library, and Public Facility.
- Conditional uses or by Special Exception within the Commercial Highway zoning would be by approval at the staff level. Special Exception must be approved by an additional review of Planning Commission or Zoning Hearing Board. Town Center Overlay adds further level of review.

The Town Center Overlay

FIELDHOUSE Ms. Fieldhouse noted that within the design guidelines of the TCO setbacks are more strictly monitored. Master planning will be done with a global perspective of other neighborhoods and developments in the area; walkability, sidewalk connections, close proximity of parks, improved intersections.

LUCIANI Mr. Luciani added that within so many square feet there must be a public gathering plaza to create a sense of community on the block.

FIELDHOUSE Ms. Fieldhouse stated that parking will be placed behind buildings and not in front.

LUCIANI Mr. Luciani reported that the better part of a year was spent in creating and implementing the Town Center Overlay. The thought was to create a more walkable community. The appearance of the development is gradually transitioning along Northern Way with Buffalo Wild Wings; also with the new First Capital Federal Credit Union where a wider sidewalk connects to Mr. Car Wash.

FIELDHOUSE Ms. Fieldhouse noted that the entire concept is long term and over 20 to 30 years. Uses have a way of recycling and it has taken place with the big bucks' retailers. Every place has its time, and then something new is developed.

Drawbacks of Re-zoning

FIELDHOUSE Ms. Fieldhouse noted that there are drawbacks to rezoning, and they are paying attention to those.

- Re-zoning Springetts Manor from R-1 to Commercial Highway will create a large, non-conforming use. It is not expected that additional units would be added; however, from a planning perspective creating a large, non-conforming use is not desirable.
- Re-zoning of Springetts Manor from R-1 to Commercial Highway could be viewed as inconsistent with the township's desire to increase walkability and connect its densely populated residential developed areas with the commercial development. Springetts Manor could be redeveloped and the units eliminated causing the township's goal toward creating a walkable environment no longer viable.
- Nearby vacant lots currently zoned Commercial Highway could fill the need for developing commercial users.

Township Staff Recommendations

FIELDHOUSE Ms. Fieldhouse presented the staff recommendations:

- 1) Rezone 23 parcels along Mt. Zion and East Market Street from Neighborhood Commercial to Commercial Highway and add that to the Town Center Overlay. The goal is not to encourage residential development within the 23 parcels.
- 2) Staff proposes not to re-zone Springetts Manor but to add it to Town Center Overlay. This will not change usage but will add additional reviews before the Board of Supervisors. In addition, it will assist with coordination of other developers toward the walkable environment and desired amenities.
- 3) The actual addition of parcels to the Town Center Overlay will be from 41 to 43. Staff suggests that during any plan date over the next 12 to 18 months that the Planning Commission explore some merit of identifying further Commercial Highway areas.
- 4) The Comprehensive Plan is a policy document developed through a public process of the residents and the board together. The Zoning Ordinance is an implementation tool, and from the staff level they suggest any re-zoning from R-1 to Commercial Highway where there is a longer review time to get public opinion to see if it makes sense.

Next Steps

FIELDHOUSE Ms. Fieldhouse identified the next steps:

- York County Planning Commission should complete its review on or about August 15th of the proposed re-zoning.
- August 25th a second Public Hearing will be held to highlight the recommendations and receive additional public comment.
- August 25th – Following the Public Hearing the proposal may be added to the Board of Supervisors’ Agenda for a possible decision.

SCHENCK Mr. Schenck stated for clarification that the staff’s recommendation for Springetts Manor was not to re-zone the Manor but to add the Town Center Overlay to its footprint currently in place.

NACE Mr. Nace stated for clarification that Bloomingdale remains Neighborhood Commercial.

LUCIANI Mr. Luciani responded that he was correct; it would remain Neighborhood Commercial.

NACE Mr. Nace commented that the presentation does not impact anything that currently exists. No one needs to shut down a business or move out of their home or change anything.

FIELDHOUSE Ms. Fieldhouse responded that he was correct. Zoning Ordinances change all the time. If an individual has a home that is permitted under current zoning, the property is grandfathered in. The property owner is permitted as long as they are there to do what it is they’d like to do. What the re-zoning would impact is new development. If a property is sold the new owner will have to comply with the current Zoning Ordinance. Ms. Fieldhouse noted that this effort is to help direct and guide future development for the benefit of the township and the residents.

NACE Mr. Nace asked whether either Ms. Fieldhouse or Mr. Luciani had seen any impact of value of properties due to an underlying zone or whether it was more driven by the market.

FIELDHOUSE Ms. Fieldhouse responded that it was more driven by the market. If an individual purchased a property with an intended use in mind and was unaware of the Zoning Ordinance, it would impact the value of the property.

LUCIANI Mr. Luciani had received a question from a resident as to what would happen to their taxes. He responded that the assessed value and taxes of the structures will remain identical.

DVORYAK Mr. Dvoryak stated that he had at least a dozen questions but would defer them until the August 25th meeting. He asked Mr. Luciani to discuss the proposed

zoning change and how it was different from what came before the board in December.

LUCIANI Mr. Luciani responded that the current zoning, Neighborhood Commercial allows some commercial uses, banks but without a drive through, coffee shops, etc., but the problem foreseen is that Neighborhood Commercial allows the apartments, which would be high density.

RAUSCH Solicitor Rausch commented that in December there were 12 parcels that were going to be rezoned. This one has 23.

LUCIANI Mr. Luciani stated that a developer could come in and request a re-zoning. In December the developer only requested 12; however, the Board of Supervisors requested a review of everything extending up Mt. Zion Road going east.

3. PUBLIC COMMENTS:

SWOMLEY Chairman Swomley opened the floor for public comment. He asked the residents to limit their comments to three minutes.

THOMAS Alexandra Thomas, 59 Mt. Zion Road, directed her questions to Messrs. Dvoryak and Schenck as they had been involved in the 2006 Comprehensive Plan. They had indicated that the planning was looking to the future 20 to 30 years out. The 2006 Comprehensive Plan was only 10 years ago. She asked if they felt this was in direct conflict with the issues and goals stated in that plan, such as traffic congestion, the limited housing, 97% of housing consumed in the area, a need for more apartments, and redevelopment of vacant properties.

DVORYAK Mr. Dvoryak responded that one of his questions centered on that as he had some concerns and/or questions as to how this evolved from the Town Center Overlay plan, the Future Land Use Land Plan as part of the Comprehensive Plan.

THOMAS Ms. Thomas asked for clarification as to the December proposal with 15 parcels included Bloomingdale. There were questions surrounding traffic congestion, spot zoning and historic preservation, which also was in the Comprehensive Plan. The new plan has grown from 15 to 23 parcels including her home. As stated her home would be a non-conforming use to continue as a residential property. She understood she was permitted to use it as long as she was the owner. She asked if her house burned down or traffic caused an accident that damaged her property, the insurance company will not pay for that to be rebuilt as a residence. It will only pay for redevelopment in conjunction with the new and current zoning. Her property would be de-valued. Permitted use for Commercial Highway requires the lot area size to be 20,000 feet. Her property is 7,000 square feet. The only way she would not lose complete value of her property would be if she owned an additional eight parcels for a combined use.

- HOOVER** Holly Hoover, 97 Mt. Zion Road stated that her property also would be undersized for the Highway Commercial zoning with only 1,126 square feet. Her plan is to retire and move in approximately three or four years. She asked what the timeline would be, and what she should do with the value of her property if she can't sell.
- LUCIANI** Mr. Luciani responded that nothing would happen to her property. She could sell it to the next owner, and what developers do is acquire numerous properties because they need many acres to develop more intense uses for a viable development. She could sell it to the next owner as a residential home, and that will not impact her.
- HOOVER** Ms. Hoover noted that she had seen that residential was not a permitted use.
- LUCIANI** Mr. Luciani responded that she was correct; however, they have what is called a non-conforming use, which means that the zoning does not match what the building on top of it is. She could live in that house for the next 50 years if she desired without any change to her ability to use the home.
- HOOVER** Ms. Hoover stated her concerns were resale, property value and taxes.
- SWOMLEY** Chairman Swomley noted that the Modernaire Hotel currently is a non-conforming use on the corner and it has been there for years, 50's, and 60's.
- LUCIANI** Mr. Luciani stated that if a developer were to come in and say they needed her parcel to complete a new development, she might command a premium price because they need to assemble the parcels.
- DVORYAK** Mr. Dvoryak noted that if the township were to re-zone her parcel and she wanted to sell the home, he was not sure banks would give a residential mortgage to a buyer if the property is re-zoned Commercial.
- TAPP** Sharon Tapp responded that she had been involved in residential lending for three years. One of the things that they look at is the zoning, and if it's not zoned residential it will be very difficult to get financing. If something happened to the property, it cannot be rebuilt; it is difficult to get insurance as well. She would be encouraged to find a cash buyer.
- HOOVER** Ms. Hoover noted that her next question would be what it does to her insurance.
- TAPP** Sharon Tapp suggested she should call her insurance company.
- HELLER** Jane Heller, Idylwyld Drive had five questions:
- Her understanding of the Town Center created by Andreas Duane was to be a small little town center with churches and places for people to live. She did

not think the planned Town Center Overlay would follow the original creation of a town center.

- The Spring Lane developer made his plan very clear that he would tear everything down. She asked where that would fit into the new plan.
- She understood the owners of Springetts Manor are interested in selling. What happens to all the folks who live there and would the township use eminent domain if necessary?
- Would the development then include fancy condominiums with additional tax dollars?
- What happens to the historic properties and the magnificent mansions in the area?

4. ADJOURNMENT:

SWOMLEY Chairman Swomley stated the Public Hearing is continued to August 25, 2016 at 6:00 p.m.

Respectfully submitted,

Doreen K. Bowders
Secretary

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