

**SPRINGETTSBURY TOWNSHIP  
PUBLIC HEARING**

**NOVEMBER 30, 2017  
APPROVED**

The Springettsbury Township Board of Supervisors held a Public Hearing on Thursday, November 30, 2017 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  
George Dvoryak, Vice Chairman  
Bill Schenck  
Blanda Nace

**MEMBERS NOT**

**IN ATTENDANCE:** Kathleen Phan, Assistant Secretary/Treasurer

**ALSO IN**

**ATTENDANCE:** Benjamin Marchant, Township Manager  
Charles Rausch, Solicitor  
John Luciani, Civil Engineer  
Jessica Fieldhouse, Director of Community Development  
Jean Abreght, Stenographer

**1. CALL TO ORDER**

**SWOMLEY** Chairman Swomley called the Public Hearing to order and welcomed the attendees. He stated the purpose of the meeting was to hear public comment on the proposed rezoning of 2309 East Philadelphia Street from Small Lot Single-Family to Mixed Use.

**RAUSCH** Solicitor Rausch suggested to have the applicant speak first to explain the plan for the project.

**2. NEW BUSINESS**

A. Proposed Ordinance to Re-Zone 2309 East Philadelphia Street from the Small Lot Single-Family Residential District (R-7) to a Mixed-Use District (MU)

**SNYDER** Attorney Alex Snyder, Counsel for Predix Properties provided testimony surrounding the request for rezoning the property to Mixed-Use. He provided some visual maps showing the subject property and noted that the township staff and Planning Commission had determined that it would not be considered spot zoning because it does border the Mixed-Use zone. The project had been reviewed by both the York County Planning Commission and the township Planning Commission with no comment or conditions. They understood the residents' concern as to the character of the neighborhood in

the future, and they had reviewed a number of options including pursuit of a variance, which they determined would be difficult. He noted that they had reviewed the Comprehensive Plan as well.

**PREDIX** Seth Predix stated that he was present to discuss the rezoning at 2309 East Philadelphia Street. He presented a PowerPoint slideshow of the properties that he had invested in and had rehabilitated in order to show the quality of his product. He noted his target market is not big families, but rather the single millennials, possibly some divorced individuals who may or may not have children full time.

**NACE** Mr. Nace noted that he had not seen any site plans. He asked whether it was his plan to cut a new driveway access in the back or use the existing asphalt.

**PREDIX** Mr. Predix responded that at this time they are focused on the existing building and have no plans for two accesses. There are currently 50 or 60 spaces, but some of the asphalt will be removed.

There were no further questions or comments from the board.

### **3. PUBLIC COMMENT**

**SWOMLEY** Chairman Swomley opened the floor up for Public Comment. He noted that no action would be taken until the next Board of Supervisors meeting scheduled for December 14, 2017.

**GUNNING** Paul Gunning, 2205 East Philadelphia Street, had been a resident of Springettsbury Township for 46 years. He made several points: The project came before the board in July and the residents were not informed. He suggested uses for recreation or a township library. He suggested continuing the quality of life in Springettsbury Township.

**EVERHART** Joanne Everhart, 27 North Royal Street, a property that had been in her family for 48 years, noted that she was not opposed to the plan for apartments but was opposed to the zoning change. She suggested using the building for a library. She also commented that the residents should have been notified back in the summer during its initial stages.

**GUNNING** Joan Gunning, 2205 East Philadelphia Street, noted she had been a resident of the neighborhood for 40 years. She expressed opposition to the rezoning, which will have a huge impact on the neighborhood. She did not think that Mixed-Use would be consistent with the Comprehensive Plan.

**KEENER** Alexandria Keener, 2140 East Philadelphia Street, indicated she was familiar with the type of buildings rehabilitated by Seth Predix. She knew of the quality of the work and that he maintains ownership of his properties. Her

fear was what might happen when he will not be there and its effect on the neighborhood.

**MALONE**

Gilbert Malone, 2125 East Philadelphia Street, had been a resident of the neighborhood since January 1967. He expressed opposition to the rezoning proposal. He indicated that variances would be easy to get and provided several cases for the board's review:

- Zoning Hearing Board of Indiana Township versus Whitesel, 465 Atlantic 2<sup>nd</sup> 105, a three-story school building on two acres of land in R2 suburban residential area. There was an application for a use variance to renovate the building for use as a business and professional office complex, and there was opposition to it. Commonwealth Court said, "It should be approved because there is an existing structure which had been there a long time and is not viable for use as zoned."
- Woodland Terrace Homeowners Association versus City of Philadelphia in 2014. The opinion in that case was written by an Ellen Geisler who was just elected to the Commonwealth Court. Therefore, she would be on the panel that would review any appeals of any variances that were denied by our local board. In that case, it was a residential zone. There was a blighted, derelict former convalescent home. They wished to purchase this property, remove and construct a new five-story 122-unit multifamily dwelling. They were entitled to a variance. That Citation is 2014 WL1710861.

Mr. Malone drafted a proposed amendment, which he provided to the board to further amend the Mixed-Use district requirement.

**LUTZ**

John Lutz, 106 North Marshall Street, is a long-time resident of Old East York and a member of the Emmanuel Church. He explained the difficulties within the building for those with disabilities. They had attempted to design elevators and walkways to different levels but concluded that they needed to move. The building will be sold, and he had learned of Mr. Predix's expertise in rehabilitation of older buildings. He has a reputation of integrity and keeping the character of the building in the neighborhood. There are several choices and board has a difficult decision to make, and he expressed support of the applicant.

**LITRENTA**

Marc Litrenta, 2221 East Philadelphia Street expressed opposition to the rezoning but thought that apartments would be a good use for everyone. He was concerned that there might be other owners following Mr. Predix who might not keep the integrity of the neighborhood.

**SPANGLER**

Ashley Spangler, 24 North Royal Street, indicated she liked the idea of the proposed apartments. She was concerned about the future of the property in the future.

- SNYDER** David Snyder, 2201 East Philadelphia Street, had lived in his home for 57 years. He had gone to elementary school at Heistand, had been a part of Living Word Community Church during the time it owned the property so he had a long-term investment in the property. Most of the residents are concerned about maintaining the integrity of the community and not opening the door for future commercial use. They do not have any real problems with the proposed use of the property. They are just very concerned about the Mixed-Use rezoning.
- FARAH** Mike Farah, 105 North Marshall Street, supported the proposed apartments. He was aware that the board has a difficult decision. The common theme of the residents is the concern for what will happen 20 or 30 years in the future. His concern is what might happen if this project is not approved. The building could be knocked down. It is a keystone of the neighborhood, and Mr. Predix will invest in that property by improving it with a new roof and rehabilitation.
- WENZKE** John Wenzke, 2121 East Philadelphia Street, suggested that the township purchase the building and use it as a community center or a small branch library, meeting spaces for Boy Scouts and Girl Scouts or garden clubs and Audubon Society. A community center will be very valuable and would not harm the neighborhood.
- YOUNG** Sherry Young, 2211 East Philadelphia Street, expressed her appreciation for the wonderful neighborhood in which her son had grown up. Her concern, like many others, was what might take place in 20, 30 years in the future. There seemed to be a large portion of the property that surrounded the church that could be purchased by another developer. Each resident just wanted to preserve the integrity of the neighborhood.
- SCALET** Steve Scalet, 27 North Russell Street, where his property faces the church. They love the neighborhood that has a great heart. He noted the proposal was very interesting, but he thought the change to Mixed-Use made no sense other than the fact there is a claim that it must be that for the proposal to go forward. He suggested that there must be some creative way to satisfy both parties so that the project could go forward.
- SWOMLEY** Chairman Swomley questioned the developer about the timeframe and what the likelihood would be if the board had to do a little more work to creatively come up with an alternative.
- PREDIX** Mr. Predix responded that the time line is crucial. He noted he has another project, which he planned to begin May 1. He had planned to begin this project December 1 with a three to four-month period. A delay may cause them to rethink the feasibility from the company standpoint. He noted that the property is a two-acre property, and no commercial builder or investor is

going to build some sort of commercial high traffic density building on that site because of the difficult access.

**KEENER** Alexandria Keener, 2140 East Philadelphia Street noted that it is her understanding that the property has such a big lot because land was donated from several of the neighbors years ago for the church to have a playground.

**SWOMLEY** Chairman Swomley addressed Ms. Fieldhouse and commented that in the information the board had there were a number of options that had been reviewed. One of the options that looked possible was the Text Amendment. He asked what it would take time wise for something like that to happen.

**FIELDHOUSE** Ms. Fieldhouse responded that a Text Amendment and the Rezoning would have a similar duration. She would seek guidance from the Township Solicitor, but she thought that a Map Amendment and a Text Amendment both must go before the County Planning Commission for comment; it must be advertised for an additional Public Hearing for 30 days and notices sent out to adjoining property owners 30 days prior to a hearing. The board could potentially see that as soon as January 26, assuming all appropriate notices were completed.

**RAUSCH** Solicitor Rausch stated for public clarification that there are additional ideas, such as running the Neighborhood Commercial Historic District, currently along East Market Street, up two or three properties to include this property. That zone allows multifamily but restricts commercial uses. That would include having to rezone several other properties. The other is a concept called Adaptive Reuse for older, unused, abandoned properties.

**GUNNING** Paul Gunning, 2205 East Philadelphia Street, noted that the building has been occupied since 1978. It had changed hands but had not sat empty.

**SWOMLEY** Chairman Swomley noted that “time is of the essence”, a term in real estate meaning that the opportunity for a particular property or individual is of limited time. Therefore, as Mr. Predix stated, he has other projects that if this pushes on for a period of time it may not be something that he would be able to do. Then, if the church does not have a buyer, it might sit empty.

**BEAVERSON** Virginia Beaverson, 41 North Harlan, noted that if time is of the essence, the residents should have been advised of this in the summer time with what was proposed, and the builder could have begun his project in December.

**SWOMLEY** Chairman Swomley understood her concern, but often that time just is not available. There are windows of opportunity.

**DVORYAK** Mr. Dvoryak asked Ms. Fieldhouse what resources she had consulted in developing the options.

- FIELDHOUSE** Ms. Fieldhouse responded that she had met with the Township Solicitor to review the options. They discussed the merits of rezoning the property and other contiguous properties to the Neighborhood Commercial Historic. In addition, the merits, pros and cons of a Text Amendment, which could be an opportunity.
- RAUSCH** Solicitor Rausch stated for clarification that a suggestion that the township had not given notice was raised again at the Planning Commission meeting. The way the process works is first, a resident of the township came in and requested rezoning. Any resident can and is allowed to do so. That was done, and the Planning Commission meeting was advertised. Many of you, the residents, attended that meeting, and that was the time for resident comments. The meeting was advertised, and this is the process. The comment was made that something should have been done in July. Something was done in July – it was referred to the Planning Commission. The process takes time. He did not want the residents to leave with the suggestion that the township, for some reason, was not doing things correctly or was not giving proper notice to the neighborhood because that is not correct.
- EVERHART** Joanne Everhart, 27 North Royal Street, noted that she had spoken earlier, but she noted that in 48 years no one ever came around wanting to buy properties. Three times in the past month, someone had come to her house asking whether she wanted to sell. She is not interested in selling. Realtors are hounding them.
- SWOMLEY** Chairman Swomley noted that it is a desirable place to live.
- EVERHART** Ms. Everhart noted that it appeared that it is happening in conjunction with this project.
- SWOMLEY** Chairman Swomley commented that it was a coincidence.
- WENZKE** Annabelle Wenzke, 2121 East Philadelphia Street, questioned that the process starts when someone in the neighborhood comes to the township with a request for rezoning.
- RAUSCH** Solicitor Rausch noted it could be any property owner.
- WENZKE** Ms. Wenzke asked whether it was the church who initiated the whole procedure.
- RAUSCH** Solicitor Rausch responded that it had been Mr. Predix.
- PREDIX** Mr. Predix indicated they had the property under agreement of sale.

- WENZKE** Ms. Wenzke questioned whether the agreement of sale was with the church.
- PREDIX** Mr. Predix responded that it was with the church.
- RAUSCH** Solicitor Rausch stated that Mr. Predix would have to have some interest in that property before he could come in with a request.
- WENZKE** Ms. Wenzke commented for clarification that there had never been a consideration to use the building for the community,
- NACE** Mr. Nace stated that would be up to the church. They own it and can sell it to whomever they wish.
- RAUSCH** Solicitor Rausch questioned that she meant in terms of the township.
- WENZKE** Ms. Wenzke responded yes, it was suggested that it might become a community center. She asked if the township would have to buy the building.
- RAUSCH** Solicitor Rausch responded yes, unless it was donated.
- WENZKE** Ms. Wenzke commented that one wonders about their concern for the neighborhood, which is always an issue with churches.
- SWOMLEY** Chairman Swomley noted that churches need money too.
- WENZKE** Ms. Wenzke indicated she was just trying to clarify who is doing what and how it all evolved.
- RAUSCH** Solicitor Rausch asked if that helped her.
- WENZKE** Ms. Wenzke responded that it did help.
- SWOMLEY** Chairman Swomley commented that another hearing was to begin following this adjournment.
- BROWN** Dick Brown, Dixie Drive, had lived in his home for 50 years. He noted the session had been very open and sincere with people and their concerns. He thought that the process was very close and would be an excellent move for the neighborhood. There are only a couple of issues that seem to be keeping it from moving forward: timing and zoning. Perhaps something creative could be done to make it happen.
- MALONE** Mr. Malone asked if he could ask the developer a question. If they got their rezoning, would they be opposed to a further Map Amendment or Text Amendment. It would allow them to have their apartments but include commercial like uses.

**SWOMLEY** Chairman Swomley asked whether he was referring to something like a restrictive covenant.

**MALONE** Mr. Malone responded that he was talking about whether they would be opposed to later amendments that would ensure their commercial uses would not be developed on their property and access local roads.

**SNYDER** Attorney Snyder indicated this is straightforward. It is a petition for a rezoning to the Mixed-Use. It is not like a variance with conditions if it is rezoned. Mr. Predix had testified it is conducive for apartments and not so conducive for other uses.

**MALONE** Mr. Malone stated that in light of their answer that they're apparently wanting to keep their options open and put commercial uses on the property in some future time, he urged that their application be rejected.

**SWOMLEY** Chairman Swomley commented that he thought Mr. Malone was reading too much into it.

**4. ADJOURNMENT**

**SWOMLEY** Chairman Swomley thanked everyone for attending the meeting. Further discussion will be held at the next Board of Supervisors meeting to be held on December 14, 2017 at 7 p.m. He adjourned the meeting at 7:20 p.m.

Respectfully submitted,

Doreen K. Bowders  
Secretary

ja