

**APPROVED
JOINT MEETING
SPRINGETTSBURY TOWNSHIP
BOARD OF SUPERVISORS
AND
PLANNING COMMISSION
JANUARY 5, 2017**

**MEMBERS IN
ATTENDANCE:**

BOARD OF SUPERVISORS: Mark Swomley, Chairman
George Dvoryak
Blanda Nace
Kathleen Phan

PLANNING COMMISSION: Alan Maciejewski, Chairman
Mark Robertson
Charles Wurster
Charles Stuhre
Tim Staub

ALSO IN

ATTENDANCE: John Luciani, First Capital Engineering
Jessica Fieldhouse, Community Development Director
Charles Rausch, Solicitor
Christopher King, Solicitor
Dori Bowders, Manager of Administrative Operations
Sue Sipe, Stenographer

NOT PRESENT: William Schenck

1. CALL TO ORDER:

A. Pledge of Allegiance

Chairman Swomley called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance. He stated the purpose of the meeting was to discuss the potential rezoning of the Mt. Zion Road and East Market Street intersection on the northeast corner and areas around it. He further indicated the meeting will provide an open dialogue between the Board and the Planning Commission, with public comment to arrive at a solution that will benefit the community.

Chairman Swomley reviewed events leading up to this meeting, noting miscommunication between the Planning Commission and the Board as it relates to changes in personnel and changes in board members since the initiation of the issue. He noted the Board had denied the previous proposal submitted by the Planning Commission, indicating the reasoning was due to a misunderstanding with the public and the Board for the set of parcels and the recommended zoning proposed. With the submittal of the Planning Commission's third revision of the plan, there was a perception that the Planning Commission was pressured into the decision. Chairman Swomley stated that was the reason for the joint meeting to have an open dialogue with the residents included so they understand a potential outcome tonight after discussion could be to recommend a decision to be sent to the York County Planning Commission and advertise it for a public hearing to occur 30 days from now. This process would allow the public the opportunity to comment along with York County Planning Commission and then the Board would deliberate and have a chance to vote on the zoning change.

Chairman Swomley indicated there is a developer interested in the property with a potential for future development. The Board wants to initiate a discussion of what the best options are for that corner to protect the Township and get the best development which is in the interest of all of the residents of the Township.

Ms. Fieldhouse summarized the recommendations submitted to provide clarification on how the rezoning issue evolved.

- May 2015 a developer proposed rezoning for the corner at Mt. Zion and E. Market Street for approximately 12 parcels excluding a parcel owned by Columbia Gas to switch from N-C to H-C with the Town Center Overlay.
- The Board of Supervisors requested it be reviewed by the Planning Commission and also the York County Planning Commission. York County Planning Commission comments stated what the developer was proposing was not consistent with the Township Comprehensive Plan, and would potentially create an island of H-C surrounded by N-C and R-1 high density. They also commented the Town Center Overlay is for gateways into the Township and this is not a gateway and not compatible with the existing N-C and R-1 zoning districts. They also stated traffic issues are a significant concern at this intersection.
- In December 2015 the Board of Supervisors voted down the proposed ordinance.
- In January 2016 the Board of Supervisors asked the Planning Commission to relook at the proposal with a more global perspective to determine what needs to be done now in consideration for development and traffic congestion.
- The Planning Commission met along with the township engineer in March, April and May of 2016, and a proposal was generated. The proposal was to rezone 23 parcels from N-C to C-H and to rezone 2 parcels from R-1 to C-H all with the Town Center Overlay.
- The Board of Supervisors forwarded that proposal to the York County Planning Commission for their review and there were two public hearings conducted. The York County Planning Commission comments summary for this proposal was that again a rezoning of these parcels in this area from N-C or R-1 density to H-C was inconsistent with the Township's Comprehensive Plan and surrounding zoning districts.
- Another comment from the York County Planning Commission was that this would create large non-conforming uses. Also that mixed use would be better than C-H.
- At the Board of Supervisors public hearing in August the ordinance that was before the Board for the rezoning of these 60+ parcels to the configuration shown on the map was denied. The Planning Commission was asked to develop another proposition for the board.
- The Planning Commission met November 10 and November 17 to review a proposal recommended by Staff for discussion. This proposal was smaller in nature and dealt with the immediate concern of what to do with the parcels the developer is interested in. The proposal addressed the rezoning of 13 parcels including the Columbia Gas parcel from N-C to mixed use with the Town Center Overlay. The Planning Commission approved this proposal to be submitted to the Board of Supervisors at their December 8 meeting.
- At that point it was decided that rather than making a decision a joint meeting was necessary to discuss the potential rezoning.

Chairman Swomley clarified the York County Planning Commission is an advisory body and the Board does not always agree with their findings. He cited as an example comments regarding the Town Center Overlay not being a consistent use for that parcel of land because it is designated for gateways. He pointed out the area from Home Depot to Walmart all the way through that corridor is designated as Town Center Overlay, and it extends to the lots behind Sam's Club with the new IRS building and other development that would occur. He also indicated the York County Planning Commission findings that H-C is not in keeping with the area belies the fact that just to the east of it is N-C and to the west is C-H including the new Firehouse Shoppes all the way through Home Depot, Walmart and down the line. Chairman Swomley also pointed out they were not recognizing that currently there are curb cuts on each one of these parcels all the way down the line. Keeping it that way would allow a developer to use the existing condition for various business types. The determination for the rezoning and adding the Town Center Overlay would control traffic there and allow for designated turn areas for traffic joining and departing from the major roadways at that location which would calm traffic rather than make it worse. Also, after evaluating the types of uses that are

allowed right now with the current zoning, there are some potential uses that are less than desirable for the Township.

Chairman Maciejewski stated when assessing the different plans for that intersection they were aware of the traffic volume in the area of Mt. Zion and Market St. and that there is no more room to add an additional lane. They also recognized there is a major multi-tenant facility adjacent to this property and were concerned about the impact on that property, since it is believed it will remain a multi- resident facility for many years to come. The complexity of the entire strip from Market Street up to Industrial Highway has become somewhat office oriented. They were also very concerned about the current entrance and exit to Springetts Manor by way of a driveway on Mt. Zion Road. They contemplated how the impact coming on and off Mt. Zion Road could be minimized and came up with different issues and different approaches to determine what would make the best use of the land and be the safest while maintaining the integrity of the neighborhood.

Chairman Swomley requested that a list of what is allowed in N-C vs. what is allowed in mixed use and C-H, be generated and made available to the public.

Ms. Fieldhouse reviewed the uses for N-C and mixed use for residential uses allowed. She also reviewed what is permitted in mixed use which is not permitted in N-C. She noted that special exceptions are allowed for the N-C zone, explaining that a special exception is a use that is permitted, however, it needs to go before the Zoning Hearing Board for an extra review and security. Further, there is a special set of criteria an applicant must meet. If the applicant can prove they meet all the criteria the Zoning Hearing Board must approve the special exception.

Mr. Nace indicated discussion was held at the last Board meeting that the last proposal submitted represents a smaller footprint.

Chairman Maciejewski indicated as part of their review they looked at the Springetts Manor complex which occupies a fair amount of the remaining balances there to determine what the future holds for that facility which they believe will remain a residential area. They also looked at the access in and out of there to somehow connect to Industrial Highway and the driveway on Market Street, which currently is the primary access for Springetts Manor. He noted there is already a lot of concern for that traffic area, even so far as to consider the potential for a traffic signal. If there is going to be a commercial use on that corner their initial thought was to somehow include Springetts Manor with the chance it could end up changing its use to something else in the future.

Discussion was held regarding the current residential use in that area and the ability to continue it even if zoning changes occur, including rebuilding if there is damage to a property and if they are able to resell the property without penalty as a result of the zoning changes. Solicitor Rausch indicated that normally when rezoning occurs and there is a current use that is not allowed in the new zoning, it becomes a non-conforming use, allowing it to continue but with restrictions.

Ms. Fieldhouse noted the limitations to restoration for a commercial or industrial use structure that was rezoned and was nonconforming, If damaged more than 75% it has to be rebuilt in conformance with current zoning. She referred to §325-193.d.3 “restoration regulations shall not apply to single family homes or active non-conforming agricultural buildings and active parks.” Solicitor King further clarified the restoration rules specifically apply to single family dwellings.

Discussion was held regarding the potential for extending the Town Center Overlay to include all four corners. Chairman Maciejewski indicated this was part of the Planning Commission’s initial discussion. Also to consider nothing is changed until the Comprehensive Plan is worked on. However, due to the rights of the developer it was implausible to hold off and wait for the Comprehensive Plan.

Discussion was held regarding developing an official map to layout traffic connectors and pedestrian connectors in an effort to alleviate traffic congestion. Solicitor Rausch stated the mixed use category for the recommendations indicates to ensure that the urban form is walkable the Township should develop design

guidelines and consider adopting official maps for these areas, which is what was done with the Town Center Overlay.

Mr. Staub indicated he is a proponent of making this area a gateway area and a town center. He suggested that all four corners be included as originally proposed, which would add an additional layer of planning to occur in the interim before determining what should be done at this intersection to best address the issues. Mr. Staub stated from a protection standpoint by the Township and the planner he would advocate for the Town Center Overlay to allow the Township more control over the process until negotiation with the developer to establish the desired results can be determined.

Chairman Swomley invited public comment:

Sally Frey – 460 Old Orchard Road

- Formerly lived at Bloomingdale. Understands that traffic is the issue. Asked if any of them care about preserving homes that are over or close to 150 years old. Concerned about Bloomingdale being destroyed.

Ms. Phan stated the Board does understand the historical values and how important it is to the residents.

Ralph Frey – 460 Old Orchard Road

- Asked for a clarifications concerning the yellow part on the displayed map to identify areas of the map. He asked if the proposed rezoning is approved could the developer do whatever he wanted with the area.

The Board noted there is no plan on the table at present and they are unaware of the developer's intentions.

Alexandra Thomas - 59 Mt. Zion Road

- She did a cross matrix between what mixed use takes away from N-C and what it adds. She thinks it would be beneficial if a copy of this matrix was provided to everyone. She noted the current plan takes away single family detached and attached, semi attached, two family and a public utility facility.
- She did not see a major benefit in changing it from N-C to mixed use. She noted at the Planning Commission meeting she suggested to apply the Town Center Overlay to that area and then after review of the Comprehensive Plan get the full global look, to give people time to make plans for their properties and also make the right most informed decision for everyone.

Discussion was held as to how much time the process would take. Ms. Fieldhouse indicated if a proposal was approved this evening, a public hearing and vote would be February 23rd. That would provide for notification of the properties, appropriate legal notice and also would give the York County Planning Commission the notice they need to review it and take it to their public meeting.

Brad Waltimeyer - 59 Mt. Zion Road

- Concerned about traffic impact stating the biggest downfall is going to mixed use because that enlarges shopping center size, which will highly impact the traffic. He suggested to limit the traffic without arriving at a final decision then put the Town Center Overlay on the existing zoning which is N-C.

Ms. Fieldhouse stated traffic will always be an issue for whomever develops that corner and the developer would have to pay to mitigate it.

Discussion was held regarding the traffic flow relating to the entrance and exits of the driveways. It was noted if the Town Center Overlay is applied with the mixed use zoning the 12 driveways will remain.

John Spanos - 3406 E. Market St.

- Asked the question about going to mixed use with the Town Center Overlay - would it still allow for high density apartments?

Solicitor Rausch stated that it would.

Dana Heidlebaugh - 80 Mt. Zion Road

- He noted his residence is two parcels down from the entrance to York Container. Concerned about traffic and difficulties getting in and out of their driveway. He asked with the Town Center Overlay and whether it will allow control of access to Mt. Zion Road. Will it allow closing those 12 driveways and open up one egress or access or divert it to Industrial Road or some other place. If the Overlay does not, which other option does? Is it mixed use is it N-C?

Chairman Swomley stated it is actually a combination of circumstances. If someone were to buy that area and keep it as individual parcels they would not have to mitigate the entrance ways to the roadway. If there is a reverse subdivision done to combine parcels of land together to do some other type of project at that point, that is a land development issue that would go before the Planning Commission and they would have to mitigate traffic at that point.

Mr. Nace commented on the entry way south bound on Rt. 24 which backs up before the turning lane with people trying to turn into the Springetts Manor complex. He suggested the concept of shutting it off or making it a right in – right out. He also suggested installing a traffic signal at Hoss’s so emergency vehicles could easily get out. He noted by making the roadway connection, vehicles coming from Eastern Blvd. and behind the Dollar General store could take a right and avoid Mt. Zion by going down Industrial and even making the connection on Davies Drive to alleviate that traffic.

Chairman Maciejewski stated that was one of the reasons why they included Springetts Manor in their planning so that larger parcel would give more access to Industrial Highway by installing a traffic signal at Bloomingdale Road.

Holly Hoover – 97 Mt. Zion Road

- Questioned the comment about the possibility of taking the row of houses between Eisenhower and Industrial to put an access road at that location. She noted she has one of those homes.

Chairman Maciejewski stated they recommended making it a part of the rezoning effort that would allow the potential as a means to relieve the cross traffic out of that driveway onto Mt. Zion Road. This would make it safer for all the residents while combining it with the development potentially going in there so it would provide that additional flexibility for the future.

- Expressed concern that if restricted it makes selling her property more difficult if her neighbors do not want to sell. She noted she has been there 24 years; however, both neighbors on either side have been there longer. If they do not want to sell and she does, she will be stuck in the middle with this tiny lot that no one is going to want to buy.

Mr. Stuhre explained if a developer wanted to develop that area, he would have to offer all of the residents a buy out at a price they would agree upon because he could not do it if he could not buy one of the parcels – it would have to be all or nothing.

Solicitor Rausch stated at this time Ms. Hoover’s property is not involved in the current situation.

- Mr. Downs urged the members to consider the assets in the 125 year old Township and the potential loss of the Bloomingdale Estate and the Moderaire Motel at a future time. He noted he understood the logistic problems with the buildings and structural issues, but felt it was important to value and inventory these things more intently before they are gone. He stated these are the touchstones of the Township. These are the movers and shakers of 125 years ago that made Springettsbury what it is. He asked to find creative ways to repurpose them.

Chairman Swomley stated they do appreciate the comments and concerns about the older structures in the Township. He indicated what everyone needs to understand is that those buildings have already been purchased and are under option by a developer who could with a 30 day waiting period for a demolition permit take them down now. This rezoning proposal will not change that. The developer could come in under the existing zoning and remove those houses. He noted the Board and Planning Commission is trying to work together for the right solution on the whole for the Township.

Chairman Maciejewski added the comments the residents have addressed are all things the Planning Commission has looked at or tried to consider with what is the greatest good that can be accomplished for everyone and not just individuals or developers but looking at the whole Township. He further noted that given all the different scenarios addressed so far, the current proposal seems to be the one that is the most plausible at this point in time. He stated it was the Planning Commission's motion initially and they are still in favor of what is on the table right now. He confirmed at the time of the vote the decision was unanimous.

Solicitor Rausch confirmed there was nothing in the specific proposal that caused him any concern from a legal standpoint.

Discussion was held as to the Comprehensive Plan process. Ms. Fieldhouse stated her proposal to the Board and Planning Commission is to form a Comprehensive Plan Steering Committee with updated materials. She stated the Comprehensive Plan should be updated or renewed every 10 years. She noted additional background data would be reviewed with the population of the housing stats, as well as issues addressed tonight with regards to an official map, traffic connections, and how the tools can be put in place for the next 20 years. The Planning Commission will discuss in January how to move forward from this point. The next steps will identify individuals that would volunteer for the steering committee. A schedule will be developed and the process will take approximately 18 months.

Chairman Swomley asked for a recommendation on the plan.

MR. NACE MADE A MOTION TO SUBMIT THE REZONING OF THE PARCELS AS SHOWN IN THE ATTACHMENT TO MIXED USE WITH TOWN CENTER OVERLAY TO THE YORK COUNTY PLANNING COMMISSION FOR THEIR REVIEW AND COMMENT AND ALSO TO AUTHORIZE STAFF TO ADVERTISE FOR A PUBLIC HEARING TO BE HELD ON FEBRUARY 21. A FIRST CLASS NOTICE OF THE HEARING SHALL BE SENT TO ALL PROPERTY OWNERS DIRECTLY AFFECTED AS WELL AS ADJOINING PROPERTY OWNERS. THE ORDINANCE WILL BE ADVERTISED FOR POSSIBLE ADOPTION AND FOR THE PUBLIC HEARING.
MR. DVORYAK SECONDED THE MOTION. MOTION UNANIMOUSLY PASSED.

2. ADJOURNMENT

Chairman Swomley adjourned the meeting at 8:30 p.m.

Respectfully submitted,

Secretary
/ses