

**SPRINGETTSBURY TOWNSHIP
PUBLIC HEARING**

**AUGUST 25, 2016
APPROVED**

The Springettsbury Township Board of Supervisors held a Public Hearing on Thursday, August 25, 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
Jessica Fieldhouse, Director of Community Development
Colin Lacey, Director of Parks and Recreation
Dori Bowders, Manager of Administrative Operations
Jean Abreght, Stenographer

1. CALL TO ORDER:

2. NEW BUSINESS:

- A. Public Hearing Continued from July 28, 2016 – Proposed Ordinance Amending the Springettsbury Township Zoning Map to Rezone Certain Parcels of Land from N-C, Neighborhood Commercial District to the C-H, Commercial Highway District and to Add Said Parcels to the Town Center Overlay; Rezone Certain Parcels of Land from the R-1, High Density Residential to the C-H, Commercial Highway District and to Add Said Parcels to the Town Center Overlay; and to Adopt the Town Center Overlay for Certain Parcels of Land Parcels along Mt. Zion Road and East Market Street)

SWOMLEY Chairman Swomley welcomed the public. He presented direction for the meeting, which was a Public Hearing for the Mt. Zion/Market Street Rezoning proposal. He stated that the proposal was sent back to the Planning Commission in January to take a more global view of the entire Market Street/Mt. Zion area. A recommendation had come back from the Planning Commission to the Board of Supervisors. Part of the process is for the Public Comment, which is a collaborative process with the community. The board wants to understand the best way to serve the community. He asked Ms. Fieldhouse to go through a few slides and answer a few questions, followed by an opportunity for Public Comment.

FIELDHOUSE Jessica Fieldhouse thanked all the attendees for coming. She presented the current status, summarized:

The current proposal for discussion included:

- (1) Proposal is to rezone 23 parcels on Mt. Zion Road and East Market Street from Neighborhood Commercial to Commercial Highway and add the Town Center Overlay.
- (2) Proposal also included the rezoning of two parcels along Mt. Zion Road and East Market Street from R-1 High Density Residential to Commercial Highway and add the Town Center Overlay, that being Springetts Manor Apartments.
- (3) Additional 41 parcels in the area surrounding the other parcels and the intersection where the proposal would add the Town Center Overlay.

Feedback from York County Planning Commission was reviewed along with what the next steps will be.

- (1) County comments stated that rezoning to Commercial Highway inconsistent with the township's Comprehensive Plan; also inconsistent with the township's Town Center Overlay and surrounding uses and zoning districts.
- (2) Rezoning will create a large number of non-conforming uses.
- (3) Rezoning will create an increase in traffic volumes and pedestrian traffic; not an ideal safety standpoint.
- (4) A Mixed Use zoning district would be more compatible with Town Center Overlay.

Previous public comments and feedback included five newspaper articles, two editorials, and three written resident letters to the township and one certified letter from a local attorney.

- Residents concerned about impact on residential property turned into non-conforming use.
- Question regarding obtaining future financing and property value if property is destroyed by fire or a vehicular accident. Municipality will issue a burn letter in accordance with Section 325193 (D) (3).
- Developers would not be interested in a small parcel.
- Town Center Overlay inconsistent with existing residential development in the area. Proposal would assure commercial developers create pedestrian friendly environment. Mixed-Use zoning is more compatible with residential.
- Rezoning proposal is not consistent with the Comprehensive Plan for which an upgrade is planned.

Uses permitted include:

- Neighborhood Commercial allows for residential – current status.
- Mixed Use allows for multi-family residential, office, retail, and financial services without drive through.
- Highway Commercial intended for auto sales/service, hotels, motels, retail, shopping centers; no residential permitted.
- Suggested to shorten the footprint of the proposed rezoning to include everything on Mt. Zion east side, south of Eisenhower Drive to the intersection; north on East Market Street, east to Eisenhower Drive as Mixed Use with Town Center Overlay.

FIELDHOUSE Ms. Fieldhouse concluded her presentation with a suggested motion for the board in order to move forward – not to adopt the proposed ordinance that is on the regular agenda, and second to have the Board of Supervisors authorize staff to bring the staff rezoning recommendation back to the Springettsbury Township Planning Commission for their review, which would essentially start the process. The township Planning Commission would review; several additional public meetings would be held to discuss the rezoning, and a plan would be solidified to bring back to the Board of Supervisors for review. It would then be up to the board to send that back to the York County Planning Commission for their review and comment followed by the Public Hearing process again.

3. PUBLIC COMMENT

SWOMLEY Chairman Swomley thanked Ms. Fieldhouse for her presentation and opened up the floor for public comment.

KAMMERDIENER Jerry Kammerdiener, 2 Jamison Drive, Springetts Apartments posed several questions as follows: What is the reason for the re-zoning and what does Highway Commercial mean; Why is Springetts Manor being included in Highway Commercial; What does Town Center Overlay mean; Why disrupt the lives of hundreds of residents by re-zoning all of this property, and what's the board going to get out of all of this?

SWOMLEY Chairman Swomley responded that there was no one on the board that is getting anything out of this other than attempting to do the right thing for the township. He added that Ms. Fieldhouse had covered his other questions.

RAUSCH Solicitor Rausch added that when the Comprehensive Plan was done, the area from Market Street east all the way to Locust Grove Road was to be Mixed Use. The actual zoning occurred in 2007 as Commercial Highway. Because the intersection is getting squeezed they are attempting to determine what is best for that intersection.

POFF Mary Poff, 181 South Royal Street asked what happened to the Comprehensive Plan of April 2010.

- RAUSCH** Solicitor Rausch responded that it is still in effect.
- POFF** Ms. Poff questioned the number of Town Centers.
- NACE** Mr. Nace responded that there are four official Town Centers within the township: Walmart/Lowe's to Home Depot, Eastern Boulevard, Old York Valley Inn area to Sheetz, Exit 18 at Mt. Rose Avenue at Rutter's and Kmart.
- RAUSCH** Solicitor Rausch commented about what would happen to the residents at Springetts Manor if it were to be rezoned Commercial Highway. His answer was nothing would happen; they would still remain living there.
- MURPHY** Joyce Murphy, 8 Morningside Drive, Springetts Manor was wondering about a possible rumor that there was a roundabout planned for the intersection at Market and Mt. Zion Road.
- RAUSCH** Solicitor Rausch confirmed that was a rumor.
- THOMAS** Alexandra Thomas, 59 Mt. Zion Road, discussed the impact upon her property. She noted that her area is 14,000 square feet, in which no developer would have an interest. The piece of ground is owned by Springetts Manor.
- FIELDHOUSE** Ms. Fieldhouse indicated that if the board desired to change the recommendations so that Springetts Manor would no longer be included, then she questioned why include Ms. Thomas' parcel.
- PHAN** Ms. Phan noted that she was concerned about that as well, and she agreed that Ms. Thomas' parcel should be removed.
- THOMAS** Ms. Thomas noted that if Springetts Manor is not included then the issue would become spot zoning. She commented on the burn letter that would be needed to rebuild following a catastrophic fire or accident. She thought it would cause the resident a lot of extra work.
- FIELDHOUSE** Ms. Fieldhouse noted it would be no different than any of the other letters that the municipality needed to write for people who need to have financing with verification of certain issues.
- RAUSCH** Solicitor Rausch noted that the important point is that for a single family residence, the resident can rebuild.
- THOMAS** Ms. Thomas commented about the Comprehensive Plan being outdated. She noted that the requirement for the Town Center Overlay must be generally consistent with the Comprehensive Plan. She asked how they would address any violations.
- RAUSCH** Solicitor Rausch stated there is a distinction between the Town Center Overlay and the underlying zoning district. So whether it's Mixed Use or Commercial

Highway or Neighborhood Commercial, that's with the Town Center Overlay. The Overlay isn't a Zoning District.

THOMAS Ms. Thomas noted that by not subdividing the apartments, her property would be downgraded, and if it was not included it would be spot zoning.

NACE Mr. Nace noted that many of the parcels were under option agreements with a potential development proposed last year. Part of that process would have included a reverse subdivision so that many of the multiple parcels could have been reverse subdivided and made into one large parcel. Any property owner could want to subdivide their land.

BOYER Karen Boyer, 3385 Cranmere Lane, commented on the developer's interest for a grocery store, which nobody wanted. She stated that the area was not a really good place for sidewalks. The only people she sees walking around Mt. Zion Road are the work release inmates with their vests who are walking to their jobs. She mentioned that change would not happen overnight, but she added everything depends on the zoning. She concluded that she did not want to see more retail in the area.

SPANOS Jonathan Spanos, 3406 East Market Street, the Paddock on Market complimented Ms. Fieldhouse and Mr. Luciani for taking input and making a recommendation. Mr. Spanos mentioned speeding and he had seen the awareness sign up. As far as the proposed rezoning he understood that with the recommendation to the board, it would be sent back through the Planning Commission to go through the entire process.

SWOMLEY Chairman Swomley stated it would have to go back because the board could not change from what was advertised.

SPANOS Mr. Spanos noted that the board either has to accept it in its current form or it gets sent back through the process. He thought that was the best scenario. He was pleased with the decisions that the board makes which have lasting impacts on the township residents.

HELLER Jane Heller, 1819 Idylwyld Road, discussed the Town Center Overlay and the fact that most residents do not want another shopping center. She commented on the potential fate of Springetts Manor residents, which had been previously pointed out with no affect. She commented on the township taking property by eminent domain.

SWOMLEY Chairman Swomley interjected that he disagreed with eminent domain, and in addition he was very concerned about people losing value in their homes.

RAUSCH Solicitor Rausch stated that eminent domain cannot be used for private property for personal or private developers.

NACE Mr. Nace added that it does not happen because it is illegal. He added that York County can do eminent domain for public improvements, schools, road widenings and things of that nature for the greater good of the public, and PennDOT can do eminent domain for roadwork.

ABOUD Ray Aboud, 63 Mt. Zion Road commented that he thought the change was great and that the adjustments will be made for the better. The one solid concern he had was for Ms. Thomas and her property. The board just needed to figure out how to resolve their issues.

THOMAS Ms. Thomas stated that if the property is rezoned it is downzoned. It would decrease the value if Commercial Highway development occurs. If it is not rezoned then it creates a spot zoning situation.

NACE Mr. Nace stated it would not be spot zoning if there is no rezoning.

LUCIANI Mr. Luciani added that it is not spot zoning. To clarify the definition of downzoning, if a builder is permitted to build 20 homes per acre and reduces it to one home per acre, that is clearly a downzone.

THOMAS Ms. Thomas stated that limiting permitted use is a downzone.

LUCIANI Mr. Luciani responded that was not true. A zone from a less intense to a more intense use is considered up-zoning in the world of a developer. So if it was changed to Commercial Highway, it would be a more intense use, there would be more traffic. That in the world of development is considered up-zoning, period.

RAUSCH Solicitor Rausch stated he was not sure whether Ms. Thomas wanted to be included in everything or not.

THOMAS Ms. Thomas responded that she would like the board to consider that property and determine the best use of it, the best thing not only for the community, but for the residents as well, take that into consideration. She indicated they would not have to determine it now, but that they need to come up with a plan that addresses the concerns of a few residents.

RAUSCH Solicitor Rausch commented that when the board is looking at zoning it includes the whole area and not individual properties in its determination. The question is what is the best zone for that intersection.

THOMAS Ms. Thomas agreed.

SCHENCK Mr. Schenck noted that zoning districts do not have to follow property lines. There are plenty of examples in the township where zoning districts do not follow property lines. It would be an easy fix.

ABOUD Mr. Aboud noted that it would be best for someone to reach out and try to educate them and come up with a solution that works. He added that Springettsbury Police Department is one of the finest in York County.

SWOMLEY Chairman Swomley added finest in Pennsylvania.

CHRISTIANSON Diane Christianson, 4281 Old Orchard Road, asked for clarification of the Town Center Overlay.

RAUSCH Solicitor Rausch cited several examples: First Capital building, the Firehouse Shoppes, with the idea to get the store fronts in front and have nice trees and walkways.

CHRISTIANSON Ms. Christianson understood and indicated there would be additional walking around the area. She did not think anyone would be walking in the area of Mt. Zion Road and Market Street. She had observed a woman with a baby carriage trying to cross the busy intersection. She didn't think people would really feel safe walking there as there is just too much traffic.

RAUSCH Solicitor Rausch asked what she would like to see at that intersection.

CHRISTIANSON Ms. Christianson asked why it has to change. She noted the road widening and it is not easier to get from Mt. Zion Road to go east on Market Street.

RAUSCH Solicitor Rausch responded that there are a number of things that could be put there as it is right now, especially in the area of the Modernnaire. He stated that it had initially begun when Spring Lane came and asked for a rezoning because they had combined 12 parcels for a development. That was voted down. As a result the board thought perhaps a review of the area and intersection should be done and set a standard for what will happen.

NACE Mr. Nace added that the board is aware that there are 12 parcels all owned by one individual that a developer has expressed an interest in buying. Mr. Schenck had expressed some concerns about the rezoning on the corner. It is known that the properties will be sold and that the current zoning would allow something to be jammed in there that fits the current zoning. Different businesses would create multiple driveways and more traffic, and the board would not have the proper tools to be able to control what happens there. Ms. Phan agreed that the Planning Commission should review it. Mr. Nace noted he wanted to be sure the public was educated. It was important to take a broader picture of the area, which is why it was bigger at this time. In addition, the board is looking at a Comprehensive Plan update. He appreciated any resident who came to the meeting and spoke. He noted it means the world to the board.

HEIDLEBAUGH Dana Heidlebaugh, 80 Mt. Zion Road, had a few comments from the previous Public Hearing. He noted the emphasis on a walking community, the Town Center Overlay, etc. He indicated it seemed to exclude the parcel between Route 30 and Concord on the east side where the boat place is. He had heard it was under contract.

SWOMLEY Chairman Swomley noted a plan had been submitted.

HEIDLEBAUGH Mr. Heidlebaugh asked whether it fits in the Town Center Overlay.

LUCIANI Mr. Luciani stated it is not in the Town Center Overlay.

NACE Mr. Nace stated it does not have to be in the Town Center Overlay.

HEIDLEBAUGH Mr. Heidlebaugh commented with the board looking at the whole corridor he asked whether it would make sense to review if it fits in the walkability of the community.

NACE Mr. Nace indicated it was too late. If it were part of the Comprehensive Plan update it would be included.

SWOMLEY Chairman Swomley added it's too late for that plan.

PHAN Ms. Phan noted that is exactly what the board is reviewing here.

HEIDLEBAUGH Mr. Heidlebaugh indicated he was just curious about it.

SWOMLEY Chairman Swomley indicated that was exactly the reason the board is trying to get ahead of this.

PHAN Ms. Phan indicated they will go in and not have to do sidewalk or anything.

LEHR Wilbur Lehr, 2631 Durham Road commented on the fact that the state had spent several million dollars correcting the traffic signals between Mt. Rose Avenue and Route 30. Traffic flow seems much better. Considering this expansion right here, he indicated that the project is ill-timed and there really isn't anything wrong with status quo unless you have a developer with a personal role or profit at stake. There's a lot of turmoil for the folks in the apartments with the traffic and congestion. It seemed to him like there's nothing wrong with the zoning now except that one person bought a lot of properties.

PHAN Ms. Phan mentioned that the board does not discriminate against anyone. There are some residents who don't have cars and their only way of getting around is the sidewalks. And if that includes the inmates the board does not discriminate against them either. She asked that the residents please keep the sidewalks in mind. The board tries to think of everyone, elderly, young, unemployed without cars. Secondly, she added that she was glad everyone was present as the board loves to see the residents come to the meetings. It would be good for them to come to the Planning Commission meetings as well in order to become more knowledgeable.

NACE Mr. Nace made some additional comments about walking in the area. He noted that everyone complains about the traffic, but when the suggestion is made for more walkability everyone groans. He noted that there are walk lights, but the pedestrian buttons are not very accessible. There are a lot of prisoners who walk that area and it is dangerous. These are some of the issues that the board deals with, which are PennDOT issues.

DVORYAK Mr. Dvoryak noted the only thing he would appreciate is to have Ms. Fieldhouse contrast the latest proposal with what came before the board and was voted on last December. His question was what is different about this in terms of the footprint and obviously it's Mixed Use this time around. What is the footprint in terms of the number of parcels.

FIELDHOUSE Ms. Fieldhouse stated she counted 12 to 14 parcels.

NACE Mr. Nace questioned whether Ms. Fieldhouse could research the subject of spot zoning, and to Alex Thomas' point, his understanding of spot zoning is butting up incompatible uses. He thought the concept of Mixed Use is to make that transitional zoning. Somewhere there will be a wall where residential will hit commercial, and the Mixed Use kind of eliminates that spot zoning. He did not think he would see that as spot zoning because it's not throwing a Commercial up against a Residential where there are two adjacent incompatible uses. He noted it was just something for thought.

PHAN Ms. Phan thanked everyone for coming.

SWOMLEY Chairman Swomley stated if there are any more comments that the residents should stay for the Regular Meeting which will happen after two Conditional Use Hearings.

4. ADJOURNMENT

SWOMLEY Chairman Swomley adjourned the Public Hearing at 7:30 p.m.

Respectfully submitted,

Doreen K. Bowders
Secretary

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