

**MINUTES**  
**SOUTH MIDDLETON TOWNSHIP PLANNING COMMISSION**  
**May 21, 2019**

**PRESENT:** TROY TRUAX, TONY GONZALEZ, TOM HOUF, BARB WILSON, BRIAN ENGLE – PLANNING COMMISSION, Bryan Salzmann – Solicitor, Brian O’Neill – Engineer, Tim Duerr– Zoning Officer, Allison Earnst – Recording Secretary, Natalie Frye, Tibben Zerby, Zach Klubber, Mike Saab, Clarence Raudabaugh, Chris Deardorff, Karen Bert, Paul Wilson, Randy Pentz, Akash Patel, Justin Kuhn, Cheryl Hoffman, Rick Hilboky, and Doug Cowan.

**PLEDGE OF ALLEGIANCE:**

Chairman-Gonzalez led the audience in the pledge of allegiance.

**MINUTES: 3/19/19**

Barb made a motion to approve the minutes subject to all changes, as modified. Tom seconded, and the vote in favor was 5-0.

**MINUTES: 4/16/19**

Brian made a motion to approve the minutes, Troy seconded, and the vote in favor was 4-0 (Barb abstaining due to absence.)

**PUBLIC INPUT:**

There was no public input.

**#20170007 – WESTMOORELAND PHASE 1– Final Subdivision and Land Development Plan**

The applicant proposed to construct Phase 1, which consists of 37 townhomes and 1 single family lot of 103 attached dwelling (townhomes) and 2 single family homes project. The property is located within the RM (Residential Moderate) zoning district. Townhomes are allowed per special exception, which this application has received. The property is located within the Wellhead Protection District, which has received conditional use approval previously. The Preliminary Plan was submitted and approved concurrently with the conditional use application for the use of Transfer of development Rights.

This plan was tabled.

**#20180023 – AKASH PATEL & ASSOCIATES – Preliminary/Final Land Development**

The applicant is requesting plan approval to construct and operate a drive-thru restaurant and 82-room hotel as a regional commercial center on 3.22 acres. There were several variances granted by the Zoning Hearing Board for building setbacks among other things and a conditional use was approved by the Board of Supervisors for the commercial center. The property is located at 1501 Commerce Avenue, Carlisle (I-3 District).

The applicant has requested the following modifications of requirements from the Subdivision and Land Development Ordinance (SALDO):

1. Section 501.b – Preliminary Plan Submission

Mr. Paul Wilson with Dawood Engineering was present to discuss the plan on 1501 Commerce Avenue for Akash Patel and Associates. Mr. Wilson stated that they came in with a conditional use last year. He explained the first land development plans they submitted included a restaurant, however; they took the restaurant off the plan. Now, the use is a permitted use and no longer a commercial center. They are still proposing an 85-room hotel with one in and out access on the site. They are also proposing above ground and underground stormwater management. Paul informed the Planning Commission that they received their NPDES approval on May 10, 2019 and their sewage planning approval back in early March 2019.

Troy asked if there will be a future restaurant or any other use in the front of the property, and if so, he asked how that driveway would connect. Paul Wilson stated that if they come back with the restaurant proposal, the driveway would look like it did before. Mr. Wilson stated that they would be back with a new land development plan if they come back in with the restaurant project. Tim Duerr added to the discussion, and stated that they have the conditional use for the commercial center, which would include the restaurant. However, there is a time limit on that approval. If the time ran out, before they came in with the land development plan for the restaurant they would need to start the process over and submit a new conditional use.

Brian made a motion to recommend approval of the modifications of requirements, Tom seconded, and the vote in favor was 5-0.

Brian made a motion to recommend approval Akash Patel & Associates – Preliminary/Final Land Development Plan #20180023, subject to staff comments, Tony seconded, and the vote in favor was 5-0.

### **#20190006 – Keystone Aquatics – Final Land Development**

The applicant is proposing the construction of a 120 ft x 36.5 ft addition to an existing aquatics center. The property is located at 103 Midway Drive, Carlisle (C2 District).

The applicant has requested the following modifications of requirements from the Subdivision and Land Development Ordinance (SALDO):

1. Section 501.b – Preliminary Plan Submission
2. Section 701 - Sidewalks

Mr. Rich Hilboky with Gibson-Thomas Engineering was present to discuss the plan. Mr. Hilboky stated that they are proposing a 4,380 square foot addition onto the building to allow for out-of-pool exercise area. Rich stated that the site is graded with minimal earthwork. They are requesting two waivers from the SALDO. The waivers are for submission of a preliminary plan and the installation of sidewalks. Mr. Hilboky stated that there are utility poles in line with where

the sidewalk would go. There were questions about Brian O’Neill’s comment stating that a waiver request letter will need to be submitted. Brian O’Neill clarified and stated that they submitted a new plan submission a few days ago after the review letters were sent, and they have since addressed that comment and provided the necessary formal waiver request. Tim Duerr stated that because a new submission was made a few days before the meeting, staff did not get a chance to thoroughly review that new submission. Therefore, he is asking that the recommendation be subject to any possible future staff comments.

Barb made a motion to recommend approval of the modifications of requirements, Troy seconded, and the vote in favor was 5-0.

Barb made a motion to recommend approval of Keystone Aquatics – Final Land Development Plan #20190006, subject to all comments and any additional comments from staff and the Township Engineer, Tony seconded, and the vote in favor was 5-0.

**#20190007 – Orthopedic Institute Institute of Pennsylvania (OIP) – Preliminary/Final Subdivision & Land Development**

The applicant is proposing the construction of a 31,750 square foot medical office building. The property is located on Alexander Spring Road (C2 District).

This plan was tabled.

**#20190008 – Morgan’s Crossing – Final Subdivision & Land Development**

The applicant is requesting final plan approval to subdivide 32 lots for single family development as part of phase 1, Petersburg Road, Carlisle (RH District).

This plan was tabled.

**#20190009 – Paradigm Architecture Proposed Lot B – Conditional Use**

The applicant is requesting conditional use approval for the purpose of constructing an 11,800 square foot building for a regional commercial center. The property is located at Allen Road and Dennison Circle.

Prior to this application, the applicants obtained variances from the following provisions of the zoning ordinance as they relate to the overall project including Lot B on which the commercial center is to be located:

1. Section 1303 (3) (a) (iii) – Front yard setback of 50 feet from street right-of-way, requesting as little as 35 feet.
2. Section 1625 (6) – Hotel parking setback of 50 feet – requesting less than 50 feet.

3. Section 1303 (4) (b) – 60% maximum impervious coverage- requesting as much as 66 %.
4. Section 1610 (3) – Driveway access separation of 300 feet from interchange- requesting as little as 119 feet.
5. Section 1610 (4) – Setback of 200 feet from interchange/no activity zone of 75 feet – requesting less than 200 feet and 75 feet respectively.

Mr. Tibben Zerby, representing Glenmark Holding was present to discuss the conditional use plan. He stated that there were revisions made based on Brian O’Neill and Tim Duerr’s comments. He stated that Allen Road is not straight through to Denison Circle. He explained that they made it a “loop around”, with sidewalks in the island. At the last Planning Commission meeting there was discussion and suggestions made about putting in a path to the commercial center. Mr. Zerby stated they looked at that, but the grade is very steep and there is a small retaining wall there that also prohibits pedestrian travel. Troy asked about the access off Allen Road into the development and if that would be a right-in/right-out operation. Mr. Zerby stated yes, there will not be a full access. It is likely to be a right-in/right-out only access. Tibben Zerby also stated that there will be directional signs that direct people to I-81. There was heavy discussion regarding a path for pedestrians to lot C. Brian Engle asked if it has to be ADA accessible. Mr. Zerby stated that the slope is very steep there and it would be a slipping hazard in the winter. Brian Engle again expressed his concern that people will want to walk to the restaurant. Mr. Engle asked if there are any ordinance requirements or limitations. Brian Engle also made it clear that he does not want to violate ADA regulations either. He would advise for safety. Barb asked if they knew who the tenants were for the lots. Mr. Zerby stated that the hotel is going to be Mainstay Suites. However, there is not a known tenant for the restaurant. Barb added that she cannot see any restaurant wanting to go in there when the hotel is not accessible to them. Brian Engle asked about the parking setbacks and stated that at the last meeting there was uncertainty with the common parking area. Tim Duerr stated that they have variances for all the setbacks. Brian O’Neill added that there is a 10 ft setback from the building for the island. Mr. O’Neill also clarified that the restaurant is not part of the commercial center. There was more discussion regarding the pedestrian pathway, and Tim Duerr stated that the Planning Commission can suggest conditions. Brian O’Neill stated that the difficulty with making that path is better seen on the grading plan. Brian Engle stated that he understood the difficulty, however; is concerned with people walking through there safely. Brian O’Neill suggested that a possibility could be to add an access into the parking at the bottom of the site where it bends. Tim Duerr suggested putting a bridge over the swale if that was possible. Barb asked what traffic would be anticipated on Denison Circle, and Tim Duerr stated almost entirely truck traffic. Brian Engle mentioned the parking setbacks and referenced a SALDO ordinance section 706e.

Brian made a motion to recommend approval of a waiver of access spacing on Denison Circle, Tony seconded, and the vote in favor was 5-0.

Brian made a motion to recommend approval of Paradigm Architecture Proposed Lot B – Conditional Use Plan #20190009, subject to all outstanding staff comments, Brian O’Neill’s comments, the access route to lot C as long as it is not an ADA issue, recommended waiver for access spacing (section 716), and clarification on section 706e, Tom seconded, and the vote in favor was 5-0.

**#20190012 – FREDERICK P. KRAFT – Final Subdivision Plan**

The applicant is proposing to subdivide the southern portion of the property along Ridge Road for silvicultural use. The residual lot will continue to be used for residential and silvicultural purposes. The property is located at 102 Ridge Road, Mount Holly Springs, PA 17065 (WC District).

This plan was tabled.

**#20190013 – KEYSTONE FIELDHOUSE – Final Land Development Plan**

The applicant is proposing construction of a 30,000 square foot addition on to a recreational facility, currently used for indoor baseball training. The property is located at 1561 Holly Pike, Carlisle (C2 District).

This plan was tabled.

**#20190014 – AT&T SMALL CELL ANTENNA (1417 Walnut Bottom Road) – Conditional Use**

The applicant is requesting a conditional use in order to install a small cell antenna onto existing Century Link owned utility pole. Such small wireless facilities are governed and pre-empted by FCC Order January 25, 2019, which includes a 60 day time clock for approval. The property is located at 1417 Walnut Bottom Road.

Mr. Doug Cowan from Network Building and Consulting was present to represent the applicant. Barb asked what a small cell antenna was and Doug stated that it is a new, much lower and smaller technology needed to support today's demand on data.

There was lengthy technical discussion. Mr. Cowan provided the Planning Commission with photo simulations of what the small cell antennas would look like on the poles. The conditional use hearing for this application as well as the conditional use plan #20190015 (357 Alexander Spring Road) will take place on June 13, 2019 before the South Middleton Township Board of Supervisors.

Brian made a motion to recommend approval for both Conditional Use #20190014 and #20190015, Barb seconded, and the vote in favor was 5-0.

**#20190015 – AT&T SMALL CELL ANTENNA (357 Alexander Spring Road) – Conditional Use**

The applicant is requesting a conditional use in order to install a small cell antenna onto existing Century Link owned utility pole. Such small wireless facilities are governed and pre-empted by FCC Order January 25, 2019, which includes a 60 day time clock for approval. The property is located at 357 Alexander Spring Road.

\*The recommendation of approval was approved with plan no. 20190014. See above\*

**#20190016 – KAREN BERT (213 Front Street) – Conditional Use**

The applicant is requesting a conditional use to expand an existing Family Day Care into a Group (Commercial) Day Care Facility. The applicant has requested a variance from the Zoning Hearing Board to allow a commercial day care within a single family dwelling. The Zoning Hearing Board met on May 13, 2019, where they granted the variance request. The property is located at 213 Front Street, Boiling Springs (V-District).

Ms. Karen Bert was present to discuss the conditional use plan. Tim Duerr opened the discussion and stated that this was before the Zoning Hearing Board and she has been granted the variance/use to increase her daycare business to 9 children. Tim explained that a commercial daycare is not permitted by ordinance within a single family dwelling. Mr. Duerr explained that she has met all necessary criteria and state licensure. Ms. Bert explained why she needed to increase the number of children in her daycare to the planning commission. She stated that many of her current children she is caring for go to school during the year and only seek care in the summer, which has significantly cut into her profits by hundreds monthly. She also explained that she cares for a family member in her home and cannot leave the house. She indicated that because of these reasons, she needed to increase the number of children in order to provide for her family. Brian Engle asked if there were parking requirements, and Tim Duerr stated no. Karen stated that there are four additional parking spaces to the rear of her property. Tim Duerr stated there is adequate parking as this home used to be a bed and breakfast. There was some discussion as to whether this use would create additional traffic on Front Street. Ms. Bert stated that currently, the families pull out front and drop off their children. She also explained that the families do not stay, and are gone within minutes. Brian Engle expressed his concern for potential traffic issues and complaints. Karen stated that families will not be coming and going at the same time. However, if it became an issue; she could direct them to park out back and utilize those four parking spaces.

Tom made a motion to recommend approval of Karen Bert (213 Front Street) – Conditional Use #20190016, Troy seconded, and the vote in favor was 5-0.

**Zoning Text Amendment - Ordinance No. 2019-02**

An ordinance amending the South Middleton Township Zoning Ordinance for the purpose of establishing specific regulations for Solar Energy System within the Township, permitting by conditional use principal solar Energy Systems in the Agricultural and Conservation Zoning District in accordance with regulations established by this ordinance; establish lot and area requirements for two family and attached single-family dwellings.

Tim Duerr opened the discussion and stated that this ordinance would allow a solar energy system within the Agricultural and Conservation Zoning District. Barb Wilson asked why that particular district. Bryan Salzman stated that this concept relies on your perception of farming. He stated that these solar farms allow plantings but not farming. Mr. Salzman also explained

that ultimately the land will be returned to agriculture. Tony asked what the amount of time for the solar farm was and Bryan stated 30 years. Troy asked is bonding would take care of removal and Bryan stated that the bonding would be through the Township. Barb mentioned other developed model ordinances and questioned why industrial use was not included. She referenced the potential benefit for the PPG property as well as the school district. Tim Duerr stated that the ordinance proposal is based on the county ordinance. Brian Engle asked what the timeline was. Bryan Salzmänn stated that there have been changes to the ordinance and it needs re-advertised. Mr. Salzmänn indicated that this would be back before the planning commission. Barb highlighted two issues she sees with the proposal: Farming vs. Industrial and Safety issues related to fire. Tony asked if it has to be limited to agricultural use. He stated that the ordinance is based on Zoning District. The use is more important than the zone. Tony does not think it should be limited to a zone, but a use within a zone. Barb feels that the focus on the ordinance is way too narrow. There was a great deal of technical discussion. This will be back at the Planning Commission once revisions are made.

This was tabled.

**ADJOURNMENT:**

The meeting adjourned at 8:00 p.m.

**SOUTH MIDDLETON TOWNSHIP**

**WITNESS:**

**PLANNING COMMISSION CHAIRMAN:**

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