

MINUTES
SOUTH MIDDLETON TOWNSHIP PLANNING COMMISSION
February 16, 2021

PRESENT: TROY TRUAX, TONY GONZALEZ, BARB WILSON, BRIAN ENGLE, TIM BERNDT – PLANNING COMMISSION, Bryan Salzman – Solicitor, Tim Duerr – Zoning Officer, Natalie Frye – Recording Secretary, Brian O’Neill – Engineer, Charles Suhr, Robert Mastandrea, Scott Akens, and Greg Holtzman.

NOTE: This meeting was simulcasted via Zoom. Those observing the meeting from the public remotely will not be included in the Minutes unless they made a comment during the meeting.

PLEDGE OF ALLEGIANCE:

Chairman Gonzalez led the audience in the pledge of allegiance.

MINUTES: 01/19/21

Barb made a motion to approve the minutes. Troy seconded & the vote in favor was 5-0.

PUBLIC INPUT:

There was no public input.

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

The applicant is proposing 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. The property is located on Walnut Bottom Road, Carlisle (RM District).

This plan was tabled.

Barb asked for an update on the plan. Tim Duerr & Brian O’Neill explained the applicant is waiting for an agreement to vacate Baker Drive. Barb asked if Baker Drive was a Township Road. Brian O’Neill replied yes and explained that Annendale Drive will be extended to a new Baker Drive that will create a four-way intersection at Allen Road. Barb asked about the farmhouse located on Baker Drive. Brian O’Neill stated those residents will have access off of Annendale Drive. Barb asked if the Township has received frequent updates from the applicants. Tim Duerr and Brian O’Neill replied yes and they had a meeting with the applicant last month.

#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.

#20200007 – FRANCIS & KAREN CIAPANNA – Final Minor Subdivision Plan

The applicants are proposing a subdivision of a 70.74 acre property into 3 building lots. The property is located at 169 Old Town Road, Gardners (WC District).

As part of the application, the following modifications of requirements were requested:

- o Article X – Stormwater Management (deferral)

This plan was tabled.

#20200008 – JEFFERSON COURT II – Final Subdivision & Land Development Plan

The applicant is proposing Phase I of the Jefferson Court II development which consists of 13 single family detached building lots and a residual lot. The property is located on Petersburg Road, Carlisle (RL District).

This plan was tabled.

#20200020 – GEORGETOWNE – Conditional Use

The applicant is requesting a conditional use to construct a 206 lot Single Family Detached Dwelling Subdivision. The conditional use is for the development exceeding 25 total units/dwellings thus a large scale development and for the use of 3 transferable development credits/rights from the AC district. The property is located on E. Springville Road & S. Ridge Road, Boiling Springs (RM District).

This plan was tabled.

#20200021 – GEORGETOWNE – Preliminary Subdivision & Land Development Plan

The applicant is proposing a 206 lot single family detached dwelling subdivision through the use of Transferable Development Rights. The property is located on E. Springville Road and S. Ridge Road, Boiling Springs (RM District).

This plan was tabled.

#20200026 – DAVID & CAROL ADAMS – Final Subdivision Plan

The applicant is proposing to subdivide one single family residential lot. The property is located at 41 Fairfield Street (RH District).

This plan was tabled.

#20200034 – JJC INVESTMENT PROPERITES, INC.

The applicant is requesting conditional use approval for the construction of a 6 lot/dwelling unit single family detached development in the Wellhead Protection District. The property is located on Plaza Drive, Boiling Springs (RM District).

Scott Akens, Akens Engineering Associates, Inc., was present to discuss the plan. Mr. Akens gave a brief description of the plan. He mentioned the plan was tabled at the last Planning Commission meeting for more information on the geotechnical study. Mr. Akens stated it was decided that an outside agency should review the geotechnical study. The Township hired ARM Group to review the report and they determined that standard precautions should be taken to remediate the sinkhole but no further testing needed to be done. Mr. Akens mentioned he received the comments from Township staff on February 12 and has addressed those comments and revised the plan.

Barb asked about the water run-off in that area. Mr. Akens replied that he will provide documentation for that during the land development phase. Barb referenced the memo from ARM Group, LLC and asked who would be monitoring the levels of nitrate in the well. Brian O’Neill stated he will contact the South Middleton Township Municipal Authority when construction would start so they could monitor the well. Brian Engle asked if there would be any additional testing needed for the well to which Brian O’Neill replied no. Troy asked if it should be noted on the plan that ARM Group, LLC conducted a review of the geotechnical study. Brian O’Neill felt that it did not need to be added to the plan since it was just a review and they did not conduct the investigation themselves. He also mentioned their review letter should suffice. Troy mentioned the spillway was a concern at the last Planning Commission meeting as it was directed onto private property. Mr. Akens replied they will address the issue during land development. Brian O’Neill stated there is a drainage easement there and will need to be regraded for positive flow. He also mentioned the applicant will contact their attorney to legally handle the situation.

Brian Engle made a motion to recommend approval of JJC Investment Properties, LLC Conditional Use subject to conditions outlined in staff comments, ARM Group, LLC review, and discussions addressing the existing drainage easement. Barb seconded and the vote in favor was 5-0.

#20200035 – CUMBERLAND CROSSING COTTAGES EXPANSION – Final Minor Subdivision & Land Development Plan

The applicant is proposing to add ten (10) new single family detached dwelling units with private 2-car garages and driveways to the existing Cumberland Crossings Senior Living campus. The property is located at 1 Longsdorf Way, Carlisle (RH District).

As part of the application, the following modifications of requirements were requested:

- Section 305 – Preliminary Plan

This plan was tabled.

#20200038 – CUMBERLAND CROSSING APARTMENTS – Conditional Use

The applicant is requesting a conditional use approval to construct a 10 unit apartment complex within an existing Life Care Community. The property is located at 1 Longsdorf Way, Carlisle (RH District).

This plan was tabled.

#20210001 – STARBUCKS – Final Minor Land Development

The applicant is proposing to construct a 2,148 square foot Starbucks with a drive-through and associated improvements. The property is located at 950 Walnut Bottom Road, Carlisle (TC District).

As part of the application, the following modifications of requirements were requested:

- Section 706.f – Parking Islands

The following modifications to the requirements of the Town Center District have also been requested:

1. Ordinance 1503(3)(d)(1) – Allow the principal building to exceed the maximum front principal building setback of 20 feet.
2. Ordinance 1503(3)(d)(4) – Allow less than 80% of the building façade to be along the front setback line.
3. Ordinance 1503(3)(h) – Existing sidewalk along Walnut Bottom Road is not considered a pre-existing nonconformity, to have the existing sidewalk remain as is (± 5 ft. width).
4. Ordinance 1504(2)(b) – Allow the proposed building to not be “grouped” along with adjacent buildings along Walnut Bottom Road.
5. Ordinance 1504(3)(c) – Allow for a portion to the surface parking area to be located in front of the proposed building without screening from Walnut Bottom Road.
6. Ordinance 1504(3)(d) – Allow for parking located on street corners as shown on the plan.
7. Ordinance 1504(6)(c) – Allow the building to not be “along” a public street.
8. Ordinance 1504(12) – Allow outdoor trash receptacles to be located in a screened location in front of the building as shown on the plan.

Charlie Suhr, Stevens and Lee, Robert Mastandrea, Vastgood, and Greg Holtzman, BL Companies, were present to discuss the plan. Mr. Suhr described the plan. He mentioned the plan was originally submitted as a final land development plan but was changed to preliminary after receiving comments from Township staff. Mr. Suhr stated the property is located within the newly enacted Town Center District which allows for modifications to the Zoning Ordinance which differs from variance requests. He referred to the letter sent out regarding the modification requests. Troy commented on the number of modifications requested and mentioned it did not look like the current plan meets the intent of the Ordinance despite having been involved and commenting at the public hearing for the Ordinance that was adopted. Mr. Suhr mentioned they knew they would need to request some modifications as the small lot and drive through made it difficult to meet all aspects of the Ordinance. Troy mentioned Brian O’Neill had found an example of a site located in Virginia Beach that meets the intent of the Town Center Ordinance. A copy of the site plan was given to the applicant. Troy expressed his disappointment in the plan submitted to the Township. Brian Engle commented that he is currently not in support of this project. However, he mentioned similar comments were made to the master plan of 1201 Walnut Bottom Road to which the applicant took into account and redesigned the layout. Barb suggested to the applicant that he take a further look into the example site plan and try to reconfigure the Starbucks plan to help eliminate those modification requests. Mr. Suhr stated they would need to

check with the engineer but agreed it would help eliminate some modifications. Tony stated the buildings are comparable in size but the parking lot would need to be reconfigured. Mr. Mastandrea asked if this was among the pictures the engineer had given to them months ago. Brian O’Neill replied no and clarified he stumbled upon this plan after the comments were sent out on February 12.

Mr. Mastandrea mentioned it may meet the Town Center requirements but there is language in Giant’s lease in regards to preventing view from the street. He mentioned the new design will limit the view from Giant. Troy stated the view is already obscured by the trees and the bank. Brian Engle asked if that issue was brought up at previous meetings. Mr. Mastandrea noted that they have been in contact with Starbucks and the design team to try to meet the Town Center District requirements. Troy mentioned he respects Giant’s attempt at keeping the building visible. However, he suggests the layout should be revised by the design team. Mr. Mastandrea stated it may be possible to revise the layout but it is a tight site. Tim Duerr noted that the plan did not meet the intent of the Ordinance. Mr. Suhr mentioned the Ordinance also allowed for modifications. Troy stated he would like to see a valiant effort made in attempting to meet the intent of the Ordinance. He commented that there was some flexibility with the modifications to allow the Board of Supervisors to make decisions without going through the Zoning Hearing Board.

Brian Engle informed the applicant that the new Town Center standards will not be violated easily as there is a certain vision there the Township is trying to create. He also stated it doesn’t seem there is a standard model layout for the Starbucks and certain adherences can be made to fit the area. Troy mentioned once they recommend approval of the modifications for this plan, it sets a precedence. Mr. Mastandrea understood that this is the first project to go through with the Town Center district and did not want to set a precedent.

Tony referenced the example site plan and stated there was a café area which would be a great addition to the submitted Starbucks plan as it could serve as advertisement for their business and compliment the town center feel. Mr. Suhr assured the Planning Commission he will have the engineer look over the plan to make changes.

Brian Engle asked if Starbucks had seen the master plan for the corridor and if not, that may be something to share with them. Mr. Mastandrea stated he will take that under advisement. He added the drive through has been difficult to work in that area. Troy mentioned the main concern with the design now is the drive through is located between Walnut Bottom Road and the store, which prevents pedestrians along Walnut Bottom Road from entering the store.

Brian Engle made a motion to table the review of the plan upon the applicant’s request. Tony seconded & the vote in favor was 5-0.

#20210002 - SMITH FARM, LLC – Preliminary/Final Subdivision & Land Development

The applicant is proposing to subdivide the existing property into 8 lots (6 lots for future development and 2 open space lots) and construct the shared road network and utility mains for future connections to each. The property is located near South Spring Garden Street, Carlisle (SC District).

As part of the application, the following modifications of requirements were requested:

- Section 501 – Preliminary Plan

- Section 1010.D – Time of Concentration for Storm Sewers
- Section 1010.J – Minimum Channel & Pipe Velocities and Slopes
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This plan was tabled.

#20210003 – AOH HOLDINGS, LLC – Final Minor Land Development

The applicant is proposing to construct an office building, equipment storage/garage, and a salt storage building. The applicant has received a variance approval from the Zoning Hearing Board and conditional use approval. The property is located at 28 Westminster Drive, Carlisle (C2 District).

As part of the application, the following modifications of requirements were requested:

- Section 501 – Preliminary Plan
- Section 502 g. – EIA Report
- Section 1010 A. – Emergency Spillway
- Section 1010 B. – One foot of freeboard between 100-yr water surface elevation and emergency spillway

The rationale behind not providing an emergency spillway and freeboard is unclear. The elevation of the adjacent properties draining to this site are 520-530. It's unclear how providing an emergency spillway and freeboard will affect these properties via backwater with a water surface elevation around 510.

This plan was tabled.

DISCUSSION:

Brian Engle briefly mentioned he received the Zoning Hearing Board Notice for March and saw that Diakon Lutheran Social Ministries was requesting a variance from the 40' height to allow for a 58'9" high apartment building. He asked Tim Duerr for background on the variance request. Tim Duerr stated that Ron Hamilton and the Fire Marshal reviewed the plan and are satisfied. He stated there does not seem to be an issue with the Fire Code. Tim Duerr also mentioned it will need to comply with the Bureau of Aviation. Tony asked how high the apartment building is going to be to which Tim Duerr replied four stories. Brian Engle was concerned about the height of the apartment but was satisfied with the Fire Marshal's decision. Tim Duerr stated it will not be noticeable when driving down Fairview Street. Brian Engle asked if the Board of Supervisors has said anything about this variance. Both Bryan Salzman and Tim Duerr replied they have not heard anything. Tim Duerr stated the Bureau of Aviation has to review for the height and mentioned this property is far enough away from the airstrip. He also mentioned that if the Zoning Hearing Board does not receive the letter from the Bureau of Aviation before the hearing then they can make it a condition on the recommendation for approval.

ADJOURNMENT:

The meeting adjourned at 6:53p.m.

SOUTH MIDDLETON TOWNSHIP

WITNESS:

PLANNING COMMISSION CHAIRMAN:

