

MINUTES OF THE LANCASTER COUNTY PLANNING COMMISSION
DATE AND TIME: 26 JUNE 2006, 4:00 P.M.

ATTENDANCE:

MEMBERS: Charlie Douts, Nancy Halliwell, Virginia Brady, Ray D'Agostino, Dennis Groff, James Miller, Matthew Young, and Tim Roschel were present.

Jonathan Price was not present.

STAFF: James Cowhey, Frank Behlau, Randall Heilman, Pat Kadel, Mark Stivers, Danny Whittle, and Carol Grove.

OTHERS:

James DeNave	Heritage Building Group, Inc.
Tony Maras	Heritage Building Group, Inc.
Mark Stanley	Hartman, Underhill, & Brubaker, LLP

ORDER OF BUSINESS:

- I. Call to Order, Welcome, and Recognition of Guests: The meeting was called to order by Chairperson Douts at 4:00 p.m.
- II. Minutes of the Meeting of 12 June 2006: Hearing no further objections to the Minutes, Ms. Brady moved and Mr. Groff seconded, to approve the Minutes. The motion carried.
- III. Bills and Communications: Mr. Cowhey respectfully updated the Commission regarding LCPC File #: **82-265-4 thru 7 (Series)**, Warren K. & Mitzi M. Samples, Little Britain Township. He stated that our legal status in the case prevailed in which upheld disapproval on technicalities.

Mr. Cowhey indicated that the Lancaster Downtown Strategy submitted their request for funding. He further indicated that we will be responding to their request shortly.

Lastly, Mr. Cowhey stated that the Warwick Township Audit process submitted a cross acceptance application for funding with the County. The township invited the Lancaster County Planning Commission to participate in their implementation funding process.

The Commission indicated that they would like for the Long Range Staff advertise in the FYI Brochure regarding our prerequisites to file application for TDRs.

Mr. Cowhey stated that presently our Staff is just tweaking TDR applications.

IV. Report of Committees & Task Forces: None.

V. Consent Agenda Items:

A. Chairperson Douts noted that there were items on the Consent Agenda that were either lifted, revised, available, or added:

1. **#8-170**, East Cocalico Township, Community Planning Review, Proposed Amendment to the Zoning Ordinance by (1) revising the definition of shopping center, (2) distinguishing between local smaller shopping centers and larger regional shopping centers, (3) clarifying and strengthening the specific criteria attached to the grant of conditional uses for shopping centers, (4) revising the standards for signs associated with shopping centers, (5) removing the riparian buffer designation on the historic and riparian buffer overlay zones map for a property located in the northwest quadrant of the intersection of Colonel Howard Boulevard and US Route 222, and (6) clarifying and strengthening regulations governing the use of retaining walls. Report was Forthcoming, ***(Report Now Available, Lifted for Discussion, and Revised Text)***
2. **#8-171**, East Cocalico Community Planning Review, Township, Proposed Amendment to the Zoning Map by changing a tract of land from General Commercial Zone (C-1) to Planned Commercial Zone (C-2) and by changing a tract of land from High Density Residential Zone (R-2) to Planned Commercial Zone (C-2). Report was Forthcoming, ***(Report Now Available)***

A motion was made by Ms. Halliwell to approve the consent agenda as noted above. The motion was seconded by Mr. Miller. The motion carried.

- B. The following actions were taken as part of the motion:
1. Requests for Waivers:
 - a. **SK06-05**, Jacob M. & Rachel B. Stoltzfus, Little Britain Township, Section 303 Plan Processing Procedures, (*Conditionally Approved*)
 - b. **#72-466-3B**, The Landings at Eagle Heights, Manor Township, (*Approved*)
 2. Requests for Extensions of Time to Attain Compliance with The Conditions of Plan Approval:
 3. Unconditional Preliminary Plan Approvals:
 - a. **#89-379-5**, Manor Oaks Lot 146, Manor Township, (*Approved*)
 4. Requests for Approval of Subdivision and/or Land Development Applications:
 - a. **#86-238-1**, Jesse L. Esh, Caernarvon Township, (*Conditionally Approved*)
 - b. **#89-3-2A**, Sylvester B. Walters Trust, Conoy and West Donegal Townships, (*Conditionally Approved*)
 - c. **#03-14-1A**, Bruce Vanderhoel, Colerain Township, (*Conditionally Approved*)

As part of the action on each Final Plan for Approval, the Commission conditionally waives the requirement to record the plan within ninety (90) days of the meeting date as stated in Section 303 of the Lancaster County Subdivision and Land Development Ordinance of 1991. This action extends by Ninety (90) days the time allowed to record the Final Plan. Therefore, the final plans approved or conditionally approved at this meeting must be recorded within one-hundred and eighty (180) days of today's date. Applicants should reference the full text of the final approval letter for any conditions placed upon this action.

5. Requests for Review of Subdivision and/or Land Development Applications:
 - a. **#69-79-6**, The Bachman Company, Ephrata Borough, (*Recommended for Approval*)
 - b. **#69-118-3**, Sheaffer Ridge Condominium Association, Mount Joy Township, (*Recommended for Approval*)
 - c. **#75-292-1**, John Byler, Salisbury Township, (*Recommended for Approval*)

- d. **#76-98-6C**, Sweetbriar Creek – Phase 2, Penn Township, *(Recommended for Approval)*
- e. **#76-104-2**, Marty Gerhart, West Cocalico Township, *(Recommended for Approval)*
- f. **#76-240-4A**, Lancaster General Hospital Health Campus – Women & Babies Nursery Expansion Rehabilitation Hospital and Ambulatory Surgery Center, East Hempfield Township, *(Recommended for Approval)*
- g. **#76-474-3**, John E. Kreider, East Lampeter Township, *(Recommended for Approval)*
- h. **#79-210-3**, Martin Tract (Hollinger), East Cocalico Township, *(Recommended for Approval)*
- i. **#87-27-1**, Daniel B. & Janella A. Landis, Rapho Township, *(Recommended for Approval)*
- j. **#87-54-11A**, Section III of Bridle Path at Village Square, East Donegal Township, *(Recommended for Approval)*
- k. **#87-121-2**, Titus S. & Mary R. Zimmerman, Warwick Township, *(Recommended for Approval)*
- l. **#92-5-1**, River’s Reserve for Cornerstone Development Group, Inc., Mount Joy Township, *(Recommended for Approval)*
- m. **#06-11A**, Stone Mill Estates, Manheim Township, *(Recommended for Approval)*
- n. **#06-60**, Water Booster Station No. 1, East Cocalico Township, *(Recommended for Approval)*
- o. **#06-61**, Lancaster County Conservancy, Mount Joy Township, *(Recommended for Approval)*

6. Requests for Community Planning Reviews:

- a. **#1-48**, Adamstown Borough, Proposed Amendment to the Code of Ordinances of the Borough of Adamstown, Lancaster and Berks Counties, Pennsylvania, Chapter 22, Subdivision & Land Development, to revise regulations governing storm water management facilities to implement the Conestoga River Watershed Storm Water Management Plan.
- b. **#32-155**, West Lampeter Township, Proposed Zoning Ordinance and Map.
- c. **#59-17**, Terre Hill Borough, Proposed Subdivision & Land Development Ordinance.

C. Items lifted from the Consent Agenda for discussion and further consideration by the Commission:

Madam Vice-Chairperson Brady respectfully addressed the Commission regarding CPF #: **8-170**, East Cocalico Township. She requested for Mr. Whittle to encourage municipalities to readily implement the Lancaster County

Comprehensive Plan regarding consideration for overlay zone models. Also, she specifically would like to see East Cocalico Township consider their text relating to buffers and “30 feet” walls; therefore requesting LCPC Staff to revise the draft report accordingly.

Mr. Miller encourages the Townships and the Boroughs of their goals and objectives with due consideration of the LCCP (*Lancaster County Comprehensive Plan*) relating to “smart growth”. He stated that he would like to see our LCPC Staff incorporate more of the LCCP tool box.

Mr. Stanley, of Hartman, Underhill, & Brubaker, representative for the property owner, updated the Commission of the plan, and stated that this particular plan had been through a series of reviews.

Mr. Halliwell indicated that specifically regarding UGB (*Urban Growth Boundary*) areas that she would like to see all municipalities at their maximum density coverage.

Ms. Brady made a motion to approve revised text and to forward draft report. The motion was seconded by Mr. Miller. The motion carried.

VI. Old Business: The Commission requested Mr. Whittle to give an update and his professional opinion regarding LCPC File #: **06-45**, Stonemill Estates, Manor Township.

Mr. Whittle stated that he met with the Heritage Building Group, and believed that the applicant does have alternatives to meet the LCPC conditions that are required without presently, having to request a waiver, nor should the applicant have to incorporate legal avenues to address the LCPC conditions.

Mr. Maras, of Heritage Building Group, respectfully addressed the Commission stating that what the main issue with the plan is to be able to receive approval from two distinct entities (*State Ag Preserve*) and (*PennDOT*) for the property extension of a small road (*Donnerville Road*). He requested if the Commission would accept Heritage’s suggested language to address both Comments 1 and 3 listed under A. Site Design and Certifications, from the 12 June 2006 Agenda, which was read as follows:

“Developer shall provide an extension of Stonemill Road (“Extension”) along the southern boundary of the site in general conformance with the Manor Township Map Ordinance. In the event PennDOT, the Pennsylvania State Agricultural Preservation Board, or any other governmental agency having jurisdiction over the alignment, design and construction of the extension, disapproves the current proposed design and location of the Extension to Donnerville Road [as evidenced by Developer’s receipt of a denial letter (i.e. a denial of a highway occupancy permit by PennDOT or an adverse decision from Agricultural Land Condemnation Appeals Board)], then Developer shall provide the

necessary right-of-way to permit the construction of the Extension in the future, and will dedicate the necessary right-of-way, as shown on the development plans, to Manor Township to facilitate the future construction of the Extension. Notwithstanding the above, until such time as Developer commences construction of the improvements to the property to be developed, Developer shall continue to work with the Township, County, PennDOT, and all other persons and entities having control over the design, layout, permitting, location and construction of the Extension, or any modification thereof, to obtain approval of any necessary alternative designs. In the event Developer cannot commence construction of the Extension, or any fully approved variation thereof, at the time it commences improvements to the property in accordance with the Final Plans, then and in that event Developer shall deposit with Manor Township the costs of construction of the Extension in the amount of ONE HUNDRED EIGHTY THOUSAND EIGHT HUNDRED DOLLARS ((\$180,800.00), along with the granting of any right-of-way shown on the Final Plan. This amount shall be held in escrow for a period of FIVE (5) years following the commencement of site improvements, and if Manor Township, the Developer, or Lancaster County receives approval to construct the Extension, the funds shall be released to the party performing the construction of the Extension in a manner approved by the Township. At the end of the FIVE (5) year period, if the construction of the Extension has not commenced with actual site work, then and in that event the escrowed funds shall be refunded to Developer.”

Mr. D’Agostino made a motion to approve, and read into the record Heritage Building Group’s suggested language. The motion was seconded by Ms. Halliwell. Chairperson Douts opposed. The motion carried.

Mr. D’Agostino made a second motion unto the first motion after having read Heritage’s Building Group’s suggested language and that the suggested language to be amended and approved by inserting the following revised text, as well as, to have the cost verified, and finally to have the Developer to attend the Manor Township Planning Commission’s meeting in receipt of their consent of this Condition.

Developer shall provide an extension of Stonemill Road (“Extension”) along the southern boundary of the site in general conformance with the Manor Township Map Ordinance. In the event PennDOT, the Pennsylvania State Agricultural Preservation Board, or any other governmental agency having jurisdiction over the alignment, design and construction of the Extension, disapproves the current proposed design and location of the Extension to Donnerville Road [as evidenced by Developer’s receipt of a denial letter (i.e. a denial of a highway occupancy permit by PennDOT or an adverse decision from Agricultural Land Condemnation Appeals Board)], then Developer shall provide the necessary right-of-way to permit the construction of the Extension in the future, and will dedicate the necessary right-of-way, as shown on the development plans, to Manor Township to facilitate the future construction of the Extension. Notwithstanding the above, until such time as Developer commences construction of the improvements to the property to be developed, Developer shall continue to work with the Township, County, PennDOT, and all other persons and entities having control over the design, layout, permitting, location and construction of the Extension, or any modification thereof, to

obtain approval of any necessary alternative designs. In the event Developer cannot commence construction of the Extension, or any fully approved variation thereof, at the time it commences improvements to the property in accordance with the Final Plans, then and in that event Developer shall deposit with Manor Township the costs of construction of the Extension in the amount of ONE HUNDRED EIGHTY THOUSAND EIGHT HUNDRED DOLLARS (\$180,800.00) **or such amount approved by the township board of supervisors as a construction cost estimate for the developers construction guarantee, which ever is greater**, along with the granting of any right-of-way shown on the Final Plan. This amount shall be held in escrow for a period of **TEN (10)** [delete FIVE (5)] years following the commencement of site improvements, and if Manor Township, the Developer, or Lancaster County receives approval to construct the Extension, the funds shall be released to the party performing the construction of the Extension in a manner approved by the Township. At the end of the **TEN (10)** [delete Five (5)] year period, if the construction of the Extension has not commenced with actual site work, then and in that event the escrowed funds shall be **released to the township. Developer shall attend the next Manor Township Planning Commission meeting to obtain the Township's consent to this condition.**

The motion was seconded by Ms. Halliwell. Chairperson Douts opposed. The motion carried.

VII. New Business:

A. Requests for Planning Modules Review for Land Development (**No Action**):

1. **PM06-73**, Wortel – Bed & Breakfast, East Lampeter Township
2. **PM06-74**, Jamie Bills, Earl Township
3. **PM06-75**, Mary Lowry, Earl Township
4. **PM06-77**, Marie K. Bucher, East Drumore Township
5. **PM06-78**, Amos Fisher, Bart and Sadsbury Townships
6. **PM06-80**, Ralph Feltman, Pequea Township
7. **#67-36-1A**, PM06-71, Five Springs Farm Subdivision, Pequea Township
8. **#73-349-5**, PM06-79, Garden Spot Village – Phase IV, Earl Township
9. **#79-210-3**, PM06-72, Martin Tract (Hollinger), East Cocalico Township
10. **#85-21-2**, PM06-76, Stephen S. Stoltzfus, Earl and Leacock Townships

VIII. Public Participation: None.

IX. Adjournment: Ms. Halliwell made a motion to adjourn the meeting. The motion was seconded by Mr. Groff. The motion carried. The meeting was adjourned at 5:30 p.m.

NOTE: The next scheduled meeting of the Lancaster County Planning Commission will be on Monday, 10 July 2006.