

Dover Township  
Planning Commission Minutes  
December 7, 2011

Chairman Wayne Hoffman called the meeting to order at 7:00 p.m. Members present: Monica Love, Bill Hansman, Amy Brinton, and alternates Eric Harlacher and Carol Kauffman. Absent with prior notice: Anthony Pinto. Also present: Zoning Officer Georgia Sprenkel, Solicitor John Baranski, Engineers Terry Myers and Karen Wilson, Recording Secretary, and seven citizens.

It was noted that Eric Harlacher is seated as a voting member for tonight's meeting.

I. **Minutes**

**Motion** by Harlacher, second by Hansman, to approve the minutes of the meeting of November 2, 2011. Four members voted aye; Love and Brinton abstained. Motion carried.

II. **Plans**

No plans this month.

III. **Zoning Cases**

None this month.

IV. **Other Business**

A. Re-zoning – Terra Vista – this property was zoned R-3 prior to our new zoning changes in March 2011 and is now zoned R-1. Owner of the property is requesting a change back to R-3.

Attorney Stacy McNeal and applicant Lester Weaver were present. This 45-acre property is at the intersection of Davidsburg and Admire Roads. The applicant has a plan pending under R-3 zoning, but the area has been rezoned R-1. This zone will not support duplexes as planned. The applicants been waiting for possible text amendments or other relief. With the current zone, the properties will be non-conforming, which could make it difficult to sell these lots. The applicant is looking at realigning the intersection of Davidsburg and Admire Roads, eventually with a connection to Canal Road. The applicant would like some assurance of ending up with saleable lots before making these road improvements.

The area is within the designated growth boundary. Ms. McNeal presented an aerial photo of the area, showing that this property is surrounded by residential properties, many zoned R-3, which is what the applicant is requesting for his property. It was noted that there are a couple of smaller properties that might have to be re-zoned as R-3 if the applicant's request is granted.

Mr. Hoffman noted that he farms Mr. Weaver's property, just in the interest of disclosure. He recused himself from voting on this plan tonight. He gave the history of this tract, and it was noted that there's a preliminary plan that was approved with conditions. It was in those conditions that the plan process broke down. Then there was the economic difficulty; then the property was re-zoned as R-1; and here we are.

Ms. McNeal noted that the plan will likely need to be changed in some ways and will need to be presented to the Planning Commission again in its changed form. Will there be significant changes? The applicant needs to be concerned with permitting, the road improvements, and the road re-alignment. They might be forced to request a mix of housing types at a later date, but that is unknown at this time. Mrs. Sprenkel asked if this could turn out to be an all-apartment development. Not entirely known; Ms. McNeal can't say for sure.

Can the applicant meet the current R-3 zoning requirements? Yes. There's no guarantee that this applicant will not sell the property the day after it's rezoned, so the Township must look at scenarios other than just re-zoning the area and letting the applicant pick up where they left off.

Mr. Baranski gave some history of the current state of the plan – there was a meeting on 7/7/04, the plan submitted for review; 172 semi-detached, two phases.

3/2/05, Planning Commission recommended approval of the preliminary plan, but the permit process may change plan. If DEP requires stream reconfiguring, the applicant would have to come back.

Unlimited plan extensions were granted on 10/26/09. The Board of Supervisors never acted upon the plan. It sounds like the Supervisors said that the applicant can have extensions of time so that they could comply with the conditions of the plan. If that's the case, then that means the applicants have a good plan under the old ordinance, but the lots would be non-conforming. Financing would be affected.

Discussion was held on the plan to redirect the road around the old farmhouse.

If they're going to be substantially changed, it will need to be resubmitted. If they re-zone it, the applicant could come back with apartments proposed; not something the Planning Commission wants to see. Proposed density as presented is 4 units per acre; the R-3 zone supports 5 units for acre. Both Mr. Hansman and Mrs. Brinton feel that they would not want to see the area changed to R-3 because of the probable increase in traffic. If the area is R-3, they could likely put 200-210 units on the parcel, an increase over the proposed 170 units.

The applicant has a plan that is still alive and they can build their units as proposed, provided they can meet the conditions. Whether they can sell the lots is not the Township's concern.

Mr. Myers proposed that perhaps the Township could wait until the developer reaches the point of no turning back in his process, then re-zone the area, to help the developer's sales possibilities. Is there ever a point of no turning back? Is the Planning Commission willing to take that risk?

Motion by Hansman, second by Love, to recommend approval reject the request to re-zone as R-3. Five members voted aye; Hoffman abstained. Motion carried.

#### B. Dovertown Apartments sketch plan

Attorney Robert Katherman, 345 East Market Street, representing Belmont Associates was present. The land in this sketch plan is contiguous to Dovertown Apartments. Tom Godfrey was also present on this sketch plan. In 2007, Mr. Katherman requested a re-zoning of this property from Agricultural to "something more intense in use." He was told to wait, that the Township was re-zoning the area anyway. That re-zoning has indeed been accomplished, and it is now zoned R-4. Mr. Katherman said that this project has an expected 12-15 year build-out period. They are proposing a road around the Dover square to cut down on traffic issues.

Mr. Godfrey presented the information on this plan. The parcel is 53.5 acres, with a maximum of 428 units, which makes it subject to the Township's Conservation-Based Design requirements. Access would be from Intermediate Road. The access road could eventually connect to Route 74 if the Township wanted to complete it. It does bear some consideration. Mr. Myers feels that the applicants need to put some sort of road through this area, rather than have a "road that leads to nowhere." Mr. Katherman said that if the Township is not interested in completing the proposed road's connection to Route 74, the applicant would not have much incentive to put a lot of work into the road. Parking would be directly adjacent to the apartments. There are 360 units proposed. Phasing would depend upon how quickly the units fill. There's open space planned as required. There are a gas pipeline and water main that run through this site. At this point, 8:30 p.m., Mrs. Brinton left the meeting. Recreation areas were discussed. With the school recreation areas so close, the applicant proposed a fee in lieu of land dedication for recreation. Seven acres would need to be dedicated as recreation area. The Township would likely want the land instead of the applicant's paying a fee in lieu of it. The Township could use it for residents' recreation. It was also noted that emergency vehicle access might be difficult; Mr. Katherman suggested a knock-down gate at the upper end for access. The applicant would need to obtain an easement from the nearby church for this project.

Their homework: explore recreational land, not dollars; resolve the issue with ingress/egress; explore the easement with knock-down gate at upper end for emergency vehicle access; and the location of the well-head.

#### C. Shelley's Restaurant

David Hoffman was present on this proposal. He referred to Section 22-719.2.C, the traffic impact study. Does the Planning Commission feel that such a study is warranted? He presented a trip-generation study done by a York firm. The numbers indicate that a study need not be necessary.

Motion by Hansman, second by Harlacher, to recommend that a traffic impact study is not required for this plan. All members voted aye; motion carried.

#### D. Zoning Review Committee discussion

Mr. Baranski presented the Planning Commission members with an updated draft of the Zoning Ordinance, this one referred to as the December 7, 2011, draft (or the Pearl Harbor draft).

Motion by Love, second by Kauffman, to confirm the proposed definition of Tavern in the December 7, 2011, draft of the Zoning Ordinance and to recommend it to the Board of Supervisors. All members voted aye; motion carried.

Mrs. Kauffman asked about the setbacks of 35 feet and 30 feet for the Village Zone. That seems like a large setback area; is it? Discussion was held; no further action was necessary.

Motion by Love, second by Harlacher, to recommend approval of the fact that a Tavern is a use by Special Exception and to recommend approval of the location of a Tavern – in the Village, Commercial, and Business Park zones. All members voted aye; motion carried.

Motion by Kauffman, second by Love, to recommend approval of Section 27- 663, specifications regulating Taverns as included in the December 7, 2011, draft of the Zoning Ordinance, subject to the change of 100 feet separation in all zones. All members voted aye; motion carried.

Discussion was held on recommending approval of Section 27-42, permitting livestock in the Village Zone, proposing to add (as in Section 27-37) that one animal unit (1000 pounds) is permitted per acre. Mr. Baranski will provide wording; this will be addressed at the next wave of changes. (Use setbacks from Ag zone in the Village zone, and add poundage requirement.) No action on this revision tonight.

Next – the re-zoning of properties adjacent to 3071 Carlisle Road, the Crone property. The Planning Commission had previously discussed the options to either re-zone those three or four lots near the Crone property to Commercial or change the text of the zoning ordinance to reflect the change. Would those property owners have a problem with their lots being re-zoned from Residential to Commercial? The issue behind this request is that the Crone applicants want to put in a drive-through restaurant, but they need to be 200' from any residential property line. Members of the Planning commission would like to have the neighboring properties re-zoned Commercial instead of the text change so that the 200' requirement is diminished. How aware are these neighbors concerning the potential rezoning of their properties? Do they know what the pros and cons would be of having their properties re-zoned?

Motion by Love, second by Kauffman, to direct the Township staff to contact the Cronos and advise them to obtain affidavits from the property owners that are within 200' of the property on which the Cronos would like to have a drive-through restaurant; the affidavits should state that the residents would not be opposed to having their properties rezoned to Commercial; affidavits are due to the Township Office by the next Planning Commission meeting. All members voted aye; motion carried.

Discussion of the Permitted Uses in the Business Park, Section 27-411 – C. Remove “Child” from child care facilities; delete O altogether.

At 10:19 p.m., Mrs. Kauffman left the meeting.

Mrs. Sprenkel relayed a request by a caller who wants to use the Farrell property to collect food scraps (supposedly organic, and compost them for purposes of making mulch. The Planning Commission members were definitely not in favor of this use in the Business Park zone, saying it should be in the Ag zone.

Motion by Love, second by Harlacher, to recommend approval of the revisions of the Permitted Uses in the Business Park Zone as discussed and as contained in the December 7, 2011, draft of the Zoning Ordinance. All members voted aye; motion carried.

**Motion** by Harlacher, second by Love, to adjourn. All members voted aye; motion carried. The meeting adjourned at 10:23 p.m. Merry Christmas, Happy New Year, and we'll see you next year!

Respectfully submitted,

Julie B. Maher,  
Recording Secretary