

MINUTES
WEST MANHEIM TOWNSHIP
REGULAR PLANNING COMMISSION MEETING
THURSDAY, FEBRUARY 19, 2009
6:00 PM

ITEM NO.1 Meeting Called to Order

The regular meeting of the West Manheim Township Planning Commission was called to order at 6:00 p.m., by Vice Chairman Jim Myers, followed by the Pledge of Allegiance.

ITEM NO.2 Roll Call

The roll was called, and the following Commission Members were present: Vice Chairman Jim Myers, Darrell Raubenstine, Grant Reichart, and Andrew Hoffman. Also present were Andy Richardson, Township Manager; Mike Knouse, C.S. Davidson and Linus Fenicle, Reager & Adler, PC.

Vice Chairman Jim Myers said that due to the resignation of Chairman Keith Fralic the Planning Commission would need to appoint new officers.

Andy Hoffman moved to nominate Jim Myers as Chairman, seconded by Grant Reichart. ***The motion carried.***

Darrell Raubenstine moved to nominate Andy Hoffman as Vice-Chairman, seconded by Grant Reichart. ***The motion carried.***

Darrell Raubenstine will remain the Secretary.

ITEM NO. 3 Approval of Minutes

Andy Hoffman made a motion to approve the minutes from the January 15, 2009 Planning Commission meeting, seconded by Grant Reichart. ***The motion carried.***

ITEM NO.4 Correspondence

Chairman Jim Myers reported that the following correspondences were received:

- 1). Letter from Chairman Keith Fralic dated February 11, 2009, notifying the board of his resignation from the Planning Commission.
- 2). Correspondence from Hanover Land Services dated February 19, 2009 requesting an extension request of review time for Fox Run Village to June 4, 2009.

ITEM NO.5 Visitors

Chairman Jim Myers asked if there were any visitors present that wished to address the Commission, and received no reply.

ITEM NO.6 Public Comment - Items Not Listed on Agenda

Chairman Jim Myers asked if there were any visitors present that wished to discuss anything specific not on the agenda, and received no reply.

ITEM NO.7 Emergency Services Group Report

Mike Hampton said he had nothing to report from Emergency Services. The next emergency services meeting would be held on Monday, February 23, 2009 at 7:00 pm at the Township building.

ITEM NO.8 Report from Zoning/Hearing Board
Application: Case - AP/S/VA:#07 -10/17/08

- A. Applicant: Carl W. Grubb and Brenda L. Grubb -590 Impounding Dam Road
Appeal of the Zoning Officer's enforcement notice for utilizing out buildings on the property as commercial rental units within the West Manheim Township Farming Zoning District.
1. Application for Special Exception under Section 2.18 of the West Manheim Township Zoning Ordinance to rent 7 garage units for vehicle storage.
 2. Application for a variance from Section 2.18 §2 of the West Manheim Township Zoning Ordinance requiring that rural occupation not exceed 1,000 square feet.
 3. Application for a variance from Section 2.18 §3(b) of the West Manheim Township Zoning Ordinance requiring the rural occupation to be located in the rear yard of the principal residence and be set back at least 100 feet from the side or rear lot lines.

Linus Fenicle, Solicitor reported that the request was denied by the Zoning Hearing Board. The written decision has been issued for the appeal, but there has been no written decision on the special exception and variance which was denied.

ITEM NO.9 Old Business

- A. Joshua Hill Farm - Mussleman Rd. -124 Lot Preliminary Plan

Grant Reichart made a motion to table the Plan, seconded Andy Hoffman. ***The motion carried.***

- B. The Warner Farm - Randy S. Warner - SE side Pleasant Hill Rd. - 15 Lot Preliminary Plan

Grant Reichart made a motion to table the Plan, seconded Andy Hoffman. ***The motion carried.***

- C. Orchard Estates - Gobrecht - Shorbs Hill Rd. - 56 Lot Preliminary Plan

Darrell Raubenstine made a motion to table the Plan, seconded Andy Hoffman. ***The motion carried.***

- D. Preserve at Codorus Creek IV - Baltimore Pike - 79 Lot Preliminary Plan

Andy Hoffman made a motion to table the Plan, seconded Grant Reichart. ***The motion carried.***

- E. Fox Run Village - S & A Homes - Fox Run Rd. - 25 Lot Final Plan

Scott Barnhart, Hanover Land Services was present to represent the applicant. He submitted revised plans to the Commission for review. He said this is a 24-lot final subdivision located behind Turkey Hill on Fuhrman Mill Road. It ties into the existing Fox Run Development. The changes made to the plans since the last revisions is that due environmental constraints; where the road used to come out parallel to Smeach Drive could no longer be in that particular location due to wetlands that were reclassified as EV (Extra Value) wetlands, therefore; the applicant had to request a waiver for separation distances of street intersections and bring the crossing out to the right. The road is now located to the east on Fuhrman Mill Road. He said everything else has remained the same. He said there is one item outstanding which is the possible replacement of the culvert on Fuhrman Mill Road. They have provided the Solicitor a copy of the declarations for the Home Owner's Association. He said before final approval securities, deed restrictions, and any other legal matters would need to be addressed. He said the issue with the culvert will need to be worked out. S & A Homes has expressed to the Board of Supervisors that during this time of financial hardship they are working with the township to determine how this would be rectified if the board would act on the plan. They are asking for a favorable recommendation to the board and would agree to include this item as a condition of the recommendation.

Darrell Raubenstine made a favorable recommendation to the Board of Supervisors with the understanding that the applicant address the culvert issues before the plan is presented to the Board of Supervisors, as well as all other conditions that include; signed and sealed plans, approval of the plans, deed restrictions, public improvements security, access agreements, and copies of the permits which include the culvert, seconded by Andy Hoffman. ***The motion passed.***

F. Homestead Acres - J.A. Myers - Oakwood Dr. & Valley View Dr. - 134 Lot Preliminary Plan

Mike Knouse said revised plans have been submitted to the engineer and they have issued comments. The applicant is still addressing the issues related to the sanitary sewer.

Darrell Raubenstine made a motion to recommend denial of the plan; seconded by Andy Hoffman, unless a written request for extension of review time is received before the next Board of Supervisors. ***The motion carried.***

G. Northfield Joint Venture c/o Michael Roepcke - Phase II - Pumping Station Rd. & East of Baltimore Pike - 52 Lot Preliminary Subdivision Plan

Mike Knouse said revised plans have been submitted to the engineer and they have issued comments.

Darrell Raubenstine made a motion to recommend denial of the plan; seconded by Grant Reichart, unless a written request for extension of review time is received before the next Board of Supervisors. ***The motion carried.***

H. Bemus L. Stambaugh II, et al- 1 Lot Land Development Plan - Brunswick Dr. & Oak Hills Dr.

Andy Hoffman made a motion to table the Plan, seconded Grant Reichart. ***The motion carried.***

I. James E. Horak & Donald L. Yorlets - Fairview Dr. - 6 Lots Preliminary Subdivision Plan

Darrell Raubenstine made a motion to table the Plan, seconded Grant Reichart. ***The motion carried.***

J. Michael D. Hoffman & Andrew D. Hoffman - 2 Lots - Final Subdivision Plan - Impounding Dam Road, south of Laurence Drive.

Scott Barnhart, Hanover Land Services was present to represent the applicant. He submitted revised plans to the commission for review that reflect the comment submitted by C.S. Davidson and York County Planning. He said they are requesting a waiver request from Section 304 of the ordinance, which refers to preliminary plan and general minor land developments. He said that this section states, that if the initial land development is four (4) lots or less and involves no street improvements the applicant can proceed directly to final plan. He said in this particular case the applicant would need to request a waiver, because although it is an add-on subdivision and involves no new lots there is a stipulation in the ordinance that could require street improvements. He said legally they would ask that this particular section be waived and they would like to propose they continue to proceed with the current subdivision plan on file under the final plan requirements for Section 405 in lieu of Section 304. He would like to remind everyone that this subdivision exemplifies a typical final subdivision plan due to the proposed quantity of lots and the minimum public improvements that are required. He said there are two existing parcels of land. The piece of land that fronts Impounding Dam Road has a dwelling upon it. There is a piece of land to the rear that has some access off Laurence Drive. They would take some of the land from Lot 1, which is the piece of land with the dwelling located on Impounding Dam Road and adding this to the piece of larger land located off Laurence Drive. He indicated that there are some environmental constraints, wetlands, flood way and a flood zone which has been shown on the plans. It has been determined with the help of the Zoning Officer that some of the requirements in the new ordinance related to the sleep slope criteria and overlay zones would not apply to this particular subdivision plan. The new proposed ordinance will remove these requirements to add-on plans. Due to this they would like to ask for this relief from the Zoning Officer.

Andy Richardson, Township Manager said he would concur as the Zoning Officer that due to the pending ordinance changes he feels that the applicant should not be penalized and he would recommend as the Zoning Officer that the waiver be granted. The applicant had submitted the plans prior to the amended zoning ordinance approvals.

Scott Barnhart, Hanover Land Services said that the lots are located in a high nitrate area and a hydro study has been completed which was referenced on the front page of the plans. He said that the minimum lot size in this particular case is a little bigger than the minimum required with regards to the hydro study, but due to some of the constraints related to the existing storm water management, maintenance pond, and an existing agricultural easement for access of lot two in combination with the existing structures on parcel one the new division line is thought to be proper planning. They did concur with the engineers regarding the minimum lot size, and he indicated that the lot size has been met. He said they would like to ask for a favorable recommendation to the Board of Supervisors for the final subdivision plan.

Grant Reichart made a favorable recommendation to the Board of Supervisors conditioned upon a note from the Zoning Officer be provided stating that due to the pending ordinance changes and that the applicant had submitted the plans prior to the amended zoning ordinance approvals; he feels that the applicant should not be penalized and he would recommend as the Zoning Officer that the waiver be granted. The applicant will also be required to include the signed Form "B" waiver with the plans, and that the waiver is to be submitted to DEP, seconded by Darrell Raubenstine. Andy Hoffman abstained. ***The motion passed.***

ITEM NO.1 0 New Business

A. Samuel & Linda Cox - 124 Raubenstine Road - Waiver Requests

- (1). Waiver of the requirements for the street design - width (Section 5.505A)
- (2). Waiver of the requirements for the street design - existing road frontage (Section 5.505C)
- (3). Waiver of the requirements for street trees (Section 5.606)
- (4). Waiver of the requirements for street lights (Section 5.607)
- (5). Waiver of preliminary plan (Section 304)

Scott Barnhart, Hanover Land Services, was present to represent the applicant. He said the applicant is requesting five waivers from Section 304 of the Subdivision & Land Development Ordinance (SALDO) which refers to minor land developments, and the signature of the Planning Commission Secretary on the DEP Sewage and Planning Module. He said they are requesting waiver five that the preliminary plan process be waived and be permitted to move onto final plan. This is a 2-lot subdivision with an existing home tract 1 and a new home that is proposed on tract 2. The waiver requests are to go to final plan. They would suggest they maintain the existing pavement with and construction of Raubenstine Road. The applicant will grade out to 17 feet from center line of existing cartway and provide any appropriate storm water management that is required in doing so. He said the waivers are listed as number 19 on the subdivision plans. He said not knowing they would need to request waiver number 5, they will revise the plans to include waiver number 5. The applicant will also continue to proceed with the current subdivision plan that is on file with township under the final planning requirements of Section 405. They believe that street trees and street lights, although are a nice gesture, but they feel not in this area. This is the last parcel in West Manheim Township and to the west you would be in Union Township. This is a very rural area that is undeveloped with no curbing and sidewalks. They would like to keep the area with as little lights as possible. The existing cartway width and the right-of-way of Raubenstine Road is mainly in order with the proposed subdivision and land development ordinance that is to be adopted in the future by the township, and by grading out 17 feet from the center line they are left with future widening of Raubenstine Road are required at a reduced cost to the township. He said due to this they would request that the street trees and street lights be waived.

Darrell Raubenstine made a motion for a favorable recommendation to the Board of Supervisors for the waiver requests of the requirements to Sections 505A and 505C, 506 and 507 of the Subdivision and Land Development Ordinance (SALDO), and waiver request number five from Section 304 of the Subdivision & Land Development Ordinance (SALDO) that the preliminary plan process be waived and be permitted to move onto final plan, seconded by Grant Reichart. ***The motion passed.***

- Planning Module - (DEP) Pa Dept. of Environmental Protection

Chairman Jim Myers asked for a motion to sign the planning module.

Andy Hoffman moved to authorize the signature of the Sewage and Planning Module, seconded by Grant Reichart. ***The motion carried.***

B. Community Banks - Planning Module - (DEP) Pa Dept. of Environmental Protection

Chairman Jim Myers asked for a motion to sign the planning module.

Andy Hoffman moved to authorize the signature of the Sewage and Planning Module, seconded by Grant Reichart. ***The motion carried.***

C. Keith D. Smith & Ellen M. Smith - 3343 Baltimore Pike

- (1) Application for a Special Exception to permit the operation of a construction contracting business at 3343 Baltimore Pike, including the erection of an accessory structure to house equipment used in connection with the business.
- (2) Application for a Variance to allow the construction of a warehouse and to all use of the property incidental to the construction business located at 3333 Baltimore Pike.

Dan Frey, Barley Snyder, LLC was present to represent the applicant. He said on behalf of the applicant they filed a request for a special exception to Article 1 Section 1.7, and a variance request. Mr. Smith owns two tracts of land, one tract located at 3333 Baltimore Pike and one tract located at 3343 Baltimore Pike which are adjacent properties. Mr. Smith presented a request previously to the Planning Commission to take the existing house located at 3343 Baltimore Pike and convert it to office space, and to the rear of this tract of land construct a storage shed property for equipment. The Planning Commission gave a favorable recommendation of the request to the Zoning Hearing Board, which the Zoning Hearing Board denied. He said that the Zoning Hearing Board got caught up on the fact that the applicant needed a variance from a special exception that was granted in 1997. He said that a copy of the 1997 information was attached to the application they submitted. He said the conditions for the special exception were also included with the application. The Zoning Hearing Board took the position that anything the applicant conducts with the contracting business needs to be done on that tract of land, and not the new tract of land. If the applicant wanted to construct an office building he could do this on the tract that is subject to the special exception. The Zoning Hearing Board never took action on the request for a storage shed on the other tract of land. He said Article 1 Section 1.7 states, if there is a use that is not defined as a permitted use, special exception, and conditional use in the zoning ordinance it is prohibited. He said it reads that the Zoning Hearing Board can grant a special exception for certain criteria are met. He said a special exception from a legal standpoint if the applicant meets all of the requirements the Zoning Hearing Board would legally have to grant the special exception. It is a hybrid permitted use as long as the applicant proves that the requirements are met. He read Section 1.7 which states the particular criteria; if the applicant's use would be equal to, or less intensive on external impacts than uses that are permitted in the farming district. He said they would argue to the Planning Commission and the Zoning Hearing Board that the construction business is at least equal to or less intensive than some of the other permitted uses in the agriculture district. He referenced the definition in Article 7 Section 5.3 regarding an expansion of residential non-conforming uses. He read the definition of a non-conforming use or non conforming structure which states, it is a structure or a use that existed prior to the zoning, which would be non-conforming and grandfathered in. He said this is not the case with this application. They are not non-conforming. Their approach is the applicant has a use that is not provided for in the zoning. He referenced Article 12, Section 2.30, general criteria for a special exception. He said the reason that he included the variance request is so that if the Zoning Hearing Board would get caught up with a need for a variance to the existing special exception this would already be addressed.

Keith Smith, 2161 Oakwood Drive, Hanover, Pennsylvania.

Dan Frey asked Mr. Smith to explain to the Board what the construction business consists of and how it operates.

Keith Smith said it is mainly a meeting place for the employees where they arrive in the morning to pick up their work vehicles and then return in the evening. They also store equipment and some materials on site. He said they are not there all day.

Mr. Frey said in 1997 he owned a tract of land which he was granted a special exception. Since that time he has purchased the adjacent property.

Mr. Smith said that is correct.

Mr. Frey asked Mr. Smith if he has found growth taking place with his business.

Mr. Smith said yes he has been fortunate to grow over the past 10 years.

Mr. Frey said as a result of the growth with the business is he having difficulties in housing the equipment and materials in accordance with the special exception conditions.

Mr. Smith said it is definitely an issue.

Mr. Frey asked Mr. Smith what type of equipment he has for his business.

Mr. Smith said skid loaders, bobcats, tractors, tractor trailer, dump trucks, and pickup trucks.

Mr. Frey presented pictures of the existing buildings and renderings of the new proposed storage shed that were included with the application. He asked Mr. Smith if he was granted the special exception and variance if it was his intent that the construction of the storage shed be consistent with the drawings as submitted with the application.

Mr. Smith said absolutely. He reviewed the submitted drawings.

Mr. Frey said the structures would be on the property located at 3343 Baltimore Pike.

Mr. Smith showed the drawings of the proposed office building where he received approval to construct an office at 3343 Baltimore Pike.

Andy Richardson, Township Manager said the applicant's contention is that the use in question is not in the ordinance. He asked Mr. Smith if his construction business is conducted off the premises.

Mr. Smith said absolutely that is right.

Andy Richardson asked if he would have an office use on the premises.

Mr. Smith said yes, that is what he is hoping to do.

Andy Richardson said he is proposing a warehouse to house equipment and materials.

Mr. Smith said that is correct.

Andy Richardson said the applicant's contention is also that a construction business is not included in the ordinance.

Mr. Frey said yes he agrees.

Andy Richardson said Section 4, Commercial Industrial Use, there is by permitted use, Section 402.0.18, page 66 of the ordinance does permit an office. Industrial Uses, Section E.5, permits warehouses. He said the ordinance under other zones does permit office warehouses. He said this is what they are looking at with his business. He said they are not looking necessarily looking at a construction business which is broken down into three components. The three components include; an office, warehousing, and the actual construction work which is done offsite. The argument that this is not included in any part of the ordinance is false because he just proved that it is in the above mentioned section. He said a business center under commercial uses is permitted to include office use. He said argument under Article 1, Section 1.7 is not valid, and the whole thing should be dropped.

Dan Frey said they are present tonight asking for permission to construct an office on 3343 Baltimore Pike.

Keith Smith said he has already been granted permission to do so.

Dan Frey said the issue of an office is not the subject of why they are present tonight. It is not in the application and it is not what they are discussing. He read the definition in the ordinance of warehousing, wholesale trade establishments that are permitted in Article 4 and the nature of on-site activities and operations, types of materials stored and the frequency of distribution and restocking. He said this is referencing a distribution warehouse.

Andy Richardson said this is exactly what Mr. Smith's business is because he does store equipment and materials. He said everything that is stored is part of the broad based definition of a warehouse.

Mr. Frey said that is not his contention. He said regarding the variance, the applicant is requesting a variance to 3343 Baltimore Pike to include a warehouse as a part of the construction business. He said the hardship for this as the applicant stated earlier tonight is that due to the growth of the business, he is not able to meet the conditions imposed in 1997 by keeping everything in house under roof, therefore; the applicant needs to expand and construct another storage shed. This would prevent the applicant from violating the conditions by having equipments sitting out. They would ask for a variance and ask the Planning Commission to recommend to the

Zoning Hearing Board to grant the variance for the purpose of the storage shed as outlined in the application. They provided a map of the overall site plan showing the two tracts of land.

Andy Richardson said there is no hardship created, therefore; he feels the variance should not be granted. The neighboring houses behind the business do not want the expansion.

Keith Smith said at the previous Zoning Hearing Board meeting there was only one neighbor present that was not supportive. They have received letters from the neighbors supporting the business to stay, as well as supporting the business to be commercial. He visited with several of his neighbors and he has received letters and signatures supporting them to stay in the neighborhood.

Mr. Frey said he takes issue with the fact that there is no hardship, and the hardship has been created by the applicant. The township granted a special exception in 1997 and imposed conditions. The business has grown, the applicant has testified as to that, and he is not building a warehouse for storage of materials, but for storage of equipment and materials because he has outgrown the existing structures. His argument is that special exceptions have led to the hardship and it is not one created by the applicant. He said please don't take this statement as the attorney is threatening the township, but the hard reality is if the applicant cannot expand his business he will have to find another location. It may not be in West Manheim Township. This is the cold reality which is the hardship. They have gone to the expense to show the commission the aesthetics and how it has improved. He would ask for a favorable recommendation to the Zoning Board.

Darrell Raubenstine asked what type of end materials would be stored.

Mr. Smith wire mesh, expansion joints, metal forms, nail pins, nails, and screws.

Andy Richardson asked Mr. Smith why he couldn't build the warehouse on 3333 Baltimore Pike.

Mr. Smith said he doesn't know if there is any room left.

Andy Richardson said he is not against a warehouse or operating a business but 3343 Baltimore Pike is not an incorporated place to do that.

Mr. Frey would ask for a favorable recommendation to the Zoning Board.

Darrell Raubenstine moved, and after reviewing the application and further discussion with the client and the attorney the Planning Commission was unable to make a favorable or an unfavorable recommendation to the Zoning Hearing Board, seconded by Andy Hoffman. ***The motion passed.***

(D). Walmart - Tract 4

- Planning Module - (DEP) Pa Dept. of Environmental Protection

Chairman Jim Myers asked for a motion to sign the planning module.

Grant Reichart moved to authorize the signature of the Sewage and Planning Module, seconded by Andy Hoffman. ***The motion carried.***

(E). John Bond

- Planning Module - (DEP) Pa Dept. of Environmental Protection

Chairman Jim Myers asked for a motion to sign the planning module.

Grant Reichart moved to authorize the signature of the Sewage and Planning Module, seconded by Andy Hoffman. ***The motion carried.***

ITEM NO. 11 Signing of Approved Plans

There was no new business to discuss.

ITEM NO. 12 Zoning Officer

Andy Richardson, Township Manager reported that the application for Keith Smith would be reviewed during the March 24, 2009 Zoning Hearing Board meeting.

ITEM NO. 13 Sketch Plans and Other Business

Linus Fenicle, Solicitor asked if he may be excused.

At 7:20 p.m. Chairman Jim Myers excused Solicitor, Linus Fenicle.

At 7:20 p.m., Chairman Jim Myers called for a five minute break.

At 7:25 p.m., Chairman Jim Myers reconvened the meeting.

Mike Knouse, C.S. Davidson distributed a copy of the draft revisions to the township Comprehensive Plan and Zoning Ordinance. He reviewed the proposed timeline schedule that was distributed to the Commission. He said they will need to schedule a public meeting with the Planning Commission on March 19th to consider both the Comprehensive Plan and Zoning Ordinance. After the public meeting and based on the comments they will move to the Board of Supervisors at which time tentatively on April 2nd it will be moved onto York County Planning Commission for their formal review. They will then schedule a public meeting to review the comments.

He said the amendments to the Comprehensive Plan will be amended by Resolution which will highlight the changes. He reviewed Chapter 7: Transportation Plan that lists major roadways in the township. He reviewed the information that was updated on Table 1, Existing Roadway Characteristics.

He reviewed Map 1: Existing Land Use/Active or Planned Subdivisions. Map 1 includes active or planned residential subdivisions as of 01/01/09, active or planned non-residential land developments as of 01/01/09, and existing land use acreage. The commission reviewed the changes to the map which include a line change for section 12 and 13, project line change for section 16, spelling corrections on # 4, #22, # 9, and # 8.

He reviewed Map 3: Future Land Use/Primary Growth & Rural Areas. Map 3 includes Future Land Use Acreage and is based upon portions of the text as well as the items previously stated. The Comprehensive Plan as it existed recommended in the Pleasant Hill area expansion in the area to allow for businesses. The other change is residential which includes the Gobrecht property, Rebert property, and the remainder of the Utz property that has not been rezoned, as well as the expansion the rural resource area due to the RA existing growth.

Andy Hoffman said he has concerns about the amount of commercial being added along Baltimore Pike.

Chairman Jim Myers said he agrees with the same issue related to the commercial area along Baltimore Pike.

Mike Knouse reviewed the commercial area to the proposed zoning map.

He reviewed Map 4: Transportation. Map 4 includes Transportation Capital Improvement Projects. He reviewed the items that were included in the previous Comprehensive Plan and the projects that have been completed. After further review and discussion it was agreed to delete #14, #7 and #8. He will verify #1-18.

He reviewed Map 8: Community Facilities & Utilities. Map 8 includes the sewer service areas. The Board of Supervisors has requested the engineer review the Act 537 plan for sewer. During the negotiations of the sale of the water system to York Water Company there was a sales agreement map. The map shows the boundary that was approved during the sale. It was also approved by the PUC (Public Utilities Commission) and any modifications will need to come back to the township for approvals which at that time the map would be updated. Sewer Areas 1, 2, 3, 4, 5, and 6 are the same as identified in the Act 537 plan. Anticipated public sewer was expanded to include, and based on pending plans. The biggest note is to the south, Joshua Hill, Preserve at Codorus Creek, existing Woodridge Hunt east and west; this is because the township entered into an agreement with Joshua Hill (Woodhaven Building & Development) to serve the existing failing systems in Woodridge Hunt. The Commission would like to request the wording be changed to state sanitary sewer and just show the existing pump stations and not the proposed.

He asked if the Commission members had any comments.

Darrell Raubenstine said he supports the additional commercial area. He said there is no way they can't control how many inlets and outlets the state will allow. They want a rear access across from Fuhrman Mill Road.

Andy Hoffman said his biggest objection is from the Penn Township line coming out to the bowling alley to rezone all of this commercial. This is going to be a nightmare even if it is residential. He would additionally like to keep the portion of lots along Bair Circle as green and not change to pink.

Mike Knouse said several of the access items that they have identified are going to be regulated by the regulations set forth in the zoning. If a plan comes before the commission it the commission's to make sure the objectives and concerns are carried out. It has been identified in the Comprehensive Plan that the township needs the diversity of uses. To diversify the tax base and introduce the uses is highly needed and in order to do that they need to expand. This is the reason this is being presented.

Darrell Raubenstine asked if there was anything included to correct Laurence Drive coming onto Shorbs Hill Road.

Mike Knouse said with regards to the Comprehensive Plan he would like to modify Exhibit 1 to correct spelling, Map 3 to include additional commercial, Map 4 to update the discussion on adding Laurence Drive to correct the location, and Map 8 he will show the existing pump stations. He would like to move onto the review of the Zoning Ordinance as submitted in the handouts for review. He said this is in a markup format from what was previously adopted as well as the amendments. The additions underlined are highlighted in gray, deletions are noted to the side of the text and the larger portion of deletions has been included in the back of the documents.

He reviewed the following sections with the noted changes of the Zoning Ordinance as submitted in the draft:

1. Article 1 - Section 1 - General and Legal
 - Provisions Section 1.1
 - Section 1.9
2. Article 2 - Section 1 - Definitions
 - Section 1.2 - Specific Terms and Phrases
3. Article 3 - Section 1 - Designation of Zoning Districts
 - Section 1.1 Establishments of Designated Growth Area and Rural Resource Area
 - Section 1.2 Establishment of Zoning Districts
 - Section 1.4 Boundaries of Zoning Districts
4. Article 4 - Designated Growth Area Zoning
 - Districts Section 1 Residential
 - Section 1.2 Permitted Uses
 - Section 1.3 Special Exception Uses
 - Section 1.4 Conditional Uses
 - Section 1.5 Area Regulations
 - Section 1.6 General Requirements for All Uses
 - Section 2 - Suburban Residential
 - Section 2.2 Permitted Uses
 - Section 2.3 Special Exception Uses
 - Section 2.4 Conditional Uses
 - Section 2.5 Area Regulations
 - Section 2.6 General Requirements for All Uses
 - Section 3 - Business Center
 - Section 3.2 Permitted Uses
 - Section 3.3 Special Exception Uses
 - Section 3.4 Conditional Uses
 - Section 3.5 Area Regulations
 - Section 3.6 General Requirements for All Uses
 - Section 4 Commercial / Industrial
 - Section 4.2 Permitted Uses
 - Section 4.3 Special Exception Uses
 - Section 4.4 Conditional Uses
 - Section 4.5 Area Regulations
 - Section 4.6 General Requirements for All Uses
5. Article 5 - Designated Rural Area Zoning
 - Districts Section 1 Farming
 - Section 1.2 Permitted Uses
 - Section 1.3 Special Exception Uses
 - Section 1.4 Conditional Uses
 - Section 1.5 Area Regulations
 - Section 1.6 General Requirements for All Uses
 - Section 1.7 Additional Use Standards

- Section 2 Rural Resource
- Section 2.2 Permitted Uses
- Section 2.3 Special Exception Uses
- Section 2.4 Conditional Uses
- Section 2.6 General Requirements for All Uses
- Section 2.7 Additional Use Standards
- 6. Article 6 - Zoning Overlay Districts
 - Section 1 Natural Features Overlay
 - Section 1.3 Steep Slope Protection Overlay Zoning District
 - Section 1.4 Stream Protection Overlay Zoning District
 - Section 1.5 Surface Water Protection Overlay Zoning District
 - Section 1.6 Wetland Protection Overlay Zoning District
 - Section 1.7 Exemption From Locating Natural Features Overlay Districts
 - Section 2.3 Establishment of Floodplain Zone
 - Section 2.4 Zone Provisions
 - Section 2.5 Special Exceptions and Variances
 - Section 3.2 Establishment of Conservations Subdivision Overlay
 - Section 3.3 Four-Step Design Process for Subdivisions in the Conservation Design Overlay
 - Section 3.4 Permitted Uses
 - Section 3.5
 - Section 3.6
 - Section 3.7 Design Standards for Neutral Density and Basic Conservation
 - Section 3.8 Open Space and Greenway Land Use and Design Standards
 - Section 3.9 Permanent Open Space and Greenway Protection Through Conservation Easements
 - Section 3.10 Ownership and Maintenance of Open Space and Greenway Land and Common Facilities
 - Section 4.1 Historic Preservation Overlay District
 - Section 4.1 Purpose
 - Section 4.2 Conflict
 - Section 4.3 Historic Preservation Overlay District
- 7. Article 7 - Standards For Uses
 - Section 1 - General Provisions
 - Section 1.2 Water and Sewage Disposal Facilities
 - Section 1.5 Yard Setback and Lot Regulations
 - Section 1.6 Height Limit Exceptions
 - Section 1.7 Minimum Habitable Floor
 - Section 1.9 Demolition
 - Section 2- Accessory Buildings and Uses
 - Section 2.2 Accessory Buildings
 - Section 2.3 Dish Antennas
 - Section 2.4 Fences and Walls
 - Section 2.5 Firewood Storage
 - Section 2.8 Accessory Repair of Personal Motor Vehicles
 - Section 2.9 Unenclosed Storage
 - Section 2.10 Dumpsters
 - Section 2.11 Airstrips/Helipads
 - Section 2.12 Bed and Breakfast Inns
 - Section 2.13 Day-Care Facilities Family
 - Section 2.14 Farm Occupations
 - Section 2.15 Home Occupations
 - Section 2.16 Non-Commercial Keeping of Livestock
 - Section 2.18 Roadside Stand
 - Section 2.19 Rural Occupations
 - Section 2.20 Energy Facilities
 - Section 3 - Temporary Uses
 - Section 3.1 General
 - Section 3.2 Requirements and Procedures For Temporary Uses
 - Section 4 - Specific Use Standards
 - Section 4.1 Standards for Uses
 - Section 4.2 Adult-Related Uses
 - Section 4.3 Agribusiness
 - Section 4.4 Agriculture

- Section 4.5 Airports/Heliports
- Section 4.6 Animal Hospitals
- Section 4.7 Automobile or Gasoline Service Stations
- Section 4.8 Automobile, Heavy Equipment, and Similar Motor Vehicle Repair/Service
- Section 4.9 Automobile Washing (Carwashes)
- Section 4.10 Billboards
- Section 4.11 Business and/or Industry Park
- Section 4.12 Campgrounds
- Section 4.13 Cemeteries
- Section 4.14 Club Room, Club Grounds, Meeting Hall
- Section 4.15 Communications Antenna, Tower and Equipment Building
- Section 4.16 Convenience Store - Spelling Correction
- Section 4.17 Day-Care Facilities, Commercial
- Section 4.18 Dwelling, Multi-Family
- Section - Essential Services, Farm-Related Business, Financial Institution, Forestry, Funeral Homes, Golf Courses, Greenhouses and Nurseries, Group Homes, Health and Fitness Clubs, Heavy Industrial Uses, Hospitals, Hotel, Indoor Commercial Recreation, Indoor Shooting Range, Junk Yards, Kennels, Life Care Communities, Medical or Dental Clinic, Methadone Treatment Facility, Mineral Extraction or Recovery Operations, Mini-Storage/Self Storage, Mobile Home Parks, Motel, Nightclubs and Taverns, Nursing, Rest or Retirement Homes, Office, Outdoor Commercial Recreation Facilities, Outdoor Shooting Ranges, Personal Service Business, Places of Worship, Residential Conversion, Apartment, Residential Conversion, Two-Family, Restaurants, Restaurants, Drive-In, Restaurants, Fast Food, Retail Stores and Shops, Riding Schools, Sawmills, Schools-Commercial, Schools-Public and Private, Schools, Vocational-Mechanical Trade, Shopping Centers, Solid Waste Disposal Processing and Transfer Facilities, Veterinarians Office, Warehousing and Wholesale Trade Establishments, Wholesale Sales, Storage and Auctions of Automobiles, Trucks, Buses and other Heavy Equipment.

Section 5 - Nonconformities

Section 5.3 Expansion of or Construction Upon Nonconformities

8. Article 8 - Signs

Section 1 - Signs

Section 1.2 General Regulations for All Signs

Section 1.3 Miscellaneous Signs Not Requiring Permits

Section 1.4 Prohibited Signs

9. Article 9 - Off-Street Parking and

Loading Section 1 - Parking

Section 1.3 Location and Management Requirements

Section 1.4 Design Standards

Section 1.6 Schedule of Required Parking Spaces

Section 1.7 Shared Parking

Section 2 - Loading

Section 2.3 Surfacing

Section 2.8 Lighting

Section 2.11 Schedule of Off-Street Loading Spaces Required

10. Article 10 - Buffering, Landscaping, Screening and

Lighting Section 1 - Buffering

Section 1.1 General Requirements

Section 2 - Landscaping

Section 2.1 Minimum Required Landscaping

Section 3 - Screening

Section 3.1 Levels of Screening

Section 3.2 Uses

Section 4 - Lighting

Section 4.1 General Requirements

Mike Knouse said he would like to recommend that a public meeting be scheduled during the next Planning Commission meeting on March 19th.

Andy Hoffman moved to authorize the advertising of the public meeting on Thursday, March 19, 2009 on the amendments to the Comprehensive Plan and the revised Zoning Ordinance, seconded by Grant Reichart. ***The motion carried.***

ITEM NO. 14 Public Comment

Chairman Jim Myers asked if there were any visitors present that wished to address the Commission. There was no one present from the public to address the Commission.

ITEM NO. 15 Next Meeting

The next Planning Commission meeting is scheduled for Thursday, March 19, 2009 at 6:00 pm.

ITEM NO. 16 Adjournment

Adjournment was at 11:30 p.m. in a motion by Darrell Raubenstine, and seconded by Grant Reichart. ***The motion carried.***

RESPECTFULLY SUBMITTED,

LAURA GATELY,
RECORDING SECRETARY

