

# CLAY TOWNSHIP PLANNING COMMISSION

## MEETING MINUTES

### February 27, 2017

Members Present were: Bruce Leisey, Jon Price, Clair Beyer and Adrian Kapp. Also present were Bob Lynn and Steve Dellinger of Hanover Engineering, Township Engineer and Jennifer Mejia of Mejia Law Group, LLC, Township Solicitor.

Also present were those listed on the attendance sheet.

Jon Price called the meeting to order at 7:00 p.m.

#### READING OF THE MINUTES

Adrian Kapp made a motion, seconded by Clair Beyer to dispense with the Reading of the Minutes of October 24, 2016. \* The motion was approved unanimously.

#### APPROVAL OF MINUTES

Clair Beyer made a motion, seconded by Adrian Kapp to approve the minutes from the October 24, 2016 meeting. \* The motion was approved unanimously.

#### CORRESPONDENCE

None

#### PLAN / APPLICATION REVIEW

1. Premier R&G Properties, Dale L. & Cheryl M. Martin, Walter S. & Lorraine Martin, MVE Partners - Zoning Map Amendment Request

Rick Stauffer and Mark Stanley, Esquire of McNees Wallace & Nurick LLC presented the request of Applicant Premier R&G Properties to rezone approximately 33.48 acres of land zoned Agriculture on the north and south side of Route 322 within Clay Township.

Premier owns a 62.6 acre lot which is currently split zoned R-2 and Agriculture. The R-2 portion is located within the Clay Village Growth Area (VGA). The remaining portion is zoned Agricultural and is located outside the VGA.

Applicant is requesting the Township rezone 9.85 acres north of 322 from Agricultural to R-2 which would adjoin existing R-2 zoned land. Applicant is also proposing to rezone approximately 12.8 acres from Agricultural to Neighborhood Commercial on the North side of Route 322. The property currently has an existing house and associated out buildings. The remaining 27.85 acres to the rear of the proposed Neighborhood Commercial Zone would remain Agriculture Zone with no road frontage.

The remaining three land owners propose to rezone lots located on the south side of Route 322 from Agricultural to Neighborhood Commercial. The current uses consist of non-conforming automobile sales and repair services and commercial electrical services.

Attorney Mark Stanley presented Applicant's request.

Mr. Stanley noted that public water, and sewer is available. Applicant approached the property owners on the south side at the suggestion of the Township and 3 out of the 5 non-conforming properties joined in the request.

Discussion occurred regarding the area previously being zoned Limited Industrial. A 1993 plan submitted by Joseph Shirk was mentioned. There was also discussion regarding some of the surrounding properties and what is available/developable.

Mr. Stanley explained how the Applicant came to the proposed division of land between R-2 and NC zoning mentioning that the location of a flood plain restricts some type of development.

Applicant feels that the proposed R-2 and NC designation will allow the development of affordable housing, potentially for 55 and over residents, and also allow some buildable sites for local businesses.

Gwen Newell, Lancaster County Planning Commission (LCPC)

Ms. Newell stated that the LCPC did not prepare a recommendation regarding the approval or denial of Applicant's request but rather was offering comments for consideration.

Based upon the County-wide Housing Study in 2013, Clay Township had the second highest percentage of mobile homes, but had a lower percentage of multiple family homes.

Ms. Newell suggested that the Township consider how to best move forward and provide for sufficient moderate price housing. The Township should examine prior predictions and evaluate how it is meeting current needs to help determine how to best meet future needs.

The existing non-confirming uses on the south side of the proposed area to be rezoned are not typical convenient goods and services uses that are normally within a Neighborhood Commercial Zone. The Township should consider the entire area and the entire 322 corridor and attempt to work with adjoining municipalities.

The 1994 Comprehensive Plan should be updated. If the Board does not feel it can do a full update, it should consider a partial update of certain areas such as housing, utility, etc.

#### Steve Dellinger, Hanover Engineering

Hanover examined the Application, LCPC comments, prior data compiled in 2010 and updated in 2013, and the Clay Township Zoning Ordinance and Comprehensive Plan.

Currently there is no difference in the density of housing allowed in the Urban Growth Area (UGA) and the Village Growth Area (VGA). While the Township has sufficient units in the UGA for 2030, it appears to have an excess of units in its VGA and may not have sufficient units in UGA for 2040 and appears to have an excess of units in its VGA.

Hanover referenced its Memorandum dated January 5, 2017, revised February 24, 2017.

#### Glen Hursh

Mr. Hursh has a question regarding how calculations are done, how traffic issues are addressed. Bob Lynn explained the method.

#### Lou Katz

Mr. Katz discussed a potential commercial zone.

George Horst

Mr. Horst stated that in 1970 he believed the area in discussion was changed from Agriculture to Limited Industrial and was later changed back to Agricultural around 1993.

Mark Stanley, Esquire

Mr. Stanley stated Applicant does not intend to expand the existing Mobile Home Park. Mr. Stanley also explained Applicant is willing to consider a restrictive covenant to run with the land for a limited period of time as a means of demonstrating his commitment to address concerns regarding multiple access points onto 322.

Tim Bollinger, Representing MV Partners

Mr. Bollinger states that MV Partners current property was purchased in 1998 and developed as a non-conforming use. This designation has caused some difficulty for the owners and could be a problem in the future if they wish to sell the building. He asked the Planning Commission to recommend the Application.

Adam Zimmerman

Mr. Zimmerman raised a concern regarding storm water. It was noted that any development would need to go through the normal storm water review and meet all ordinance requirements.

Shane Kurtz, Levi Zimmerman, Lance Kurtz, and Marlene Rutt all voiced an objection to any Agriculture land being rezoned.

RECOMMENDATION

Clair Beyer made a motion, seconded by Adrian Kapp to recommend the Board approve Applicant's request for rezoning with the following conditions:

1. Applicant addresses concern regarding multiple access points onto 322 and associated traffic problems that would present;
2. Applicant has agreed to prepare a Developer's Agreement and to place a restrictive covenant running with the land on the north side of 322 for an agreed upon time to provide one right-in, right-out access and one full movement access onto SR 322. The access will, subject to PennDOT approval, provide for one full movement

access point and one right-in, right-out access point on the north side of 322 with an access lane across the north of the proposed Neighborhood Commercial property.

3. If the Board of Supervisors plans to begin an update to its Comprehensive Plan within one year, the Planning Commission recommends the Applicant's request be denied so that the Applicant's request may be considered as part of the Comprehensive Plan.

The Planning Commission would like to be clear that its recommendation for a denial, should an updated Comprehensive Plan be forthcoming, is not to be interpreted as an objection to the proposal, but a preference that all rezoning would be addressed in a comprehensive fashion.

The motion passed, Clair Beyer, Adrian Kapp and Bruce Leisey voting in favor. Jon Price voted to deny the Application, stating that he felt a Comprehensive Plan should be prepared first and further, he would prefer a plan where there is no net loss in farm land.

#### ADJOURNMENT

Adrian Kapp made a motion, seconded by Clair Beyer, to adjourn the meeting at 9:40 p.m. \*The motion was approved unanimously.

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ADRIAN KAPP, Vice-Chairman

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JON PRICE, Chairman

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CLAIR BEYER, Secretary

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BRUCE LEISEY, Member