

MINUTES

**LOWER SWATARA TOWNSHIP
PLANNING COMMISSION**

**REGULAR MEETING
February 23, 2017 7:00 P.M.**

Meeting was called to order by Chauncey Knopp at 7:00 P.M. with the following present:

Chauncey Knopp, Chairman
Dennis Fausey (new member)
Paul Wagner
Peter Henninger, Solicitor
Erin Letavic, HRG
Tom Edinger, Tri-County Regional Planning
Robert Greene, LST Planning & Zoning Coordinator
Tonya Condran, Recording Secretary

Others in attendance:

Ron Paul, resident
David Koratich, LSC Design
Sherry Webb, HCPAC (Harrisburg Christian Performing Arts Center)
Randy Webb, HCPAC
Marc Kurowski, Soccer Shots
Bobbie VanBuskirk, Soccer Shots
Patrick Hart, HCPAC
Jason & Ella Webb, Soccer Shots
John Coles, Rhoads & Sinon

Late Arrivals:

Eric Breon, Vice Chairman

Absent:

Kimber Latsha

APPROVAL OF MINUTES

A motion could not be made for the approval of the December 22, 2016 minutes at this time as there was not a quorum of the previous Planning Commission Members. (Mr. Fausey is a new member and was not at the last meeting. Motion would be made later in the meeting when Mr. Breon arrived and a quorum was met.)

REORGANIZATION

A motion was made by Mr. Wagner and seconded by Mr. Fausey to re-appoint Chauncey Knopp as the Chairman of the Planning Commission. Motion unanimously approved.

A motion was made by Mr. Fausey and seconded by Mr. Wagner to re-appoint Eric Breon as the Vice Chairman of the Planning Commission. Motion unanimously approved.

A motion was made by Mr. Fausey and seconded by Mr. Wagner to appoint Robert Greene as the Secretary of the Planning Commission. Motion was unanimously approved.

A motion was made by Mr. Fausey and seconded by Wagner to re-appoint Tonya Condran as the Recording Secretary of the Planning Commission. Motion unanimously approved.

For the year of 2017, Chauncey Knopp will continue as Chairman; Eric Breon shall remain Vice Chairman; Bob Greene will serve as Secretary; and Tonya Condran will remain as Recording Secretary.

OLD BUSINESS:

None.

NEW BUSINESS:

SOCCER SHOTS – Review and discuss for recommendation the application for the Final Land Development Plan #2017-01 for the construction of a new building and associated site improvements at 1000 Eisenhower Blvd. as a proposed condominium plan as submitted by K&W Engineers for SYB Property Group.

Marc Kurowski of K&W Engineers introduced himself. He explained that they prepared the land development plan that the commission had before them. He then gave a brief introduction into the program. This is proposed from the existing Harrisburg Christian Performing Arts Center (HCPAC) which is located on Eisenhower Blvd. roughly halfway between Fulling Mill Road and the I-283 interchange. There is existing parking and an existing driveway; and there is a greenspace at the rear of the site. The proposed improvements are located at the rear of the site. This is part of a condominium plan and it is proposed that the improvements will be a new (approx. 13,460 sf) office building which will house the corporate headquarters of Soccer Shots. It will essentially be for office use, office employees, a small area for storage with a small loading dock, and a multi-purpose room where they can host training for staff or the kids. Soccer Shots basically serves a very young and small demographic of 5 to 8 year olds to teach them the basics and fundamentals of soccer. The large greenspace to the rear

of the property is available for Soccer Shots staff to go out and play games against each other, as well as using it for promotional matters such as filming videos to develop their commercials and collateral, and occasionally some training sessions with little kids; but, this will not be a large tournament space. The parking that is proposed on the plan is existing. They will share the parking with HCPAC; and with the combination of both HCPAC and Soccer Shots, they are still in excess of the combined total required number of spaces. They would need 124 but they have 140. He also explained that the two uses (HCPAC and Soccer Shots) would rarely, if ever, happen at the same time.

Mr. Kurowski went on to discuss their Stormwater Management plan. He stated that with adding the impervious area associated with the building and sidewalks, they have proposed a new detention basin at the front of the site which would discharge out to the corner of the site and down through an existing swale adjacent Eisenhower Blvd. which connects to an existing stormwater system.

Mr. Kurowski added that this is in the Industrial Park Zone in which this use is permitted. He then went over their waiver requests:

- Waiver of Preliminary Plan.
- Waiver just relating to the wording of the Township's requirement for certification of wetlands.
- Waiver to not provide a complete topographic survey of the entire property. They have provided the topography and the boundary that is necessary for the proposed improvements and they have also provided a copy of the aerial image.

Mr. Wagner asked if they planned to do any repairs to the existing building.

Mr. Kurowski said that as part of this project, no. The applicant is solely working on the project associated with Soccer Shots.

Mr. Knopp asked who owns all the land with a condominium plan.

Mr. Kurowski asked John Coles from Rhoads & Sinon (legal counsel to Soccer Shots in association with this project) to answer that question.

Mr. Coles explained the Condominium Act. It has been in effect in Pennsylvania for a long time. It essentially is a statutory regime that allows for ownership of interests in property. As part of those ownership interests, there are also shared areas which are called common areas. He went on to explain that when most people think of a condominium, they think of townhouses or some sort of a residential area where the buildings are in a circle often with common walls which two or three residential units in one particular building with a shared use area in the

middle. Although that is a very common use of a condominium statute, condominiums are not necessarily limited to that and they can be used in other circumstances including to have land boundaries that can also be shown. So this plan is slightly different than the plan that was submitted previously. The concept here is that there will be two condominium units. Unit One would be comprised of the existing performing arts center building and the land immediately adjacent to it including some of the parking spaces that are directly in front of the building. Unit Two would be the new Soccer Shots building in the back and the field area which would be pertinent to that building. It would also run right up to Eisenhower Blvd. to the north of the site in the creation of what would look like a typical flag-lot. There would be a Condominium Declaration which would be filed in the Recorder of Deeds Office that would create the condominium and its two units and then Unit Two would be purchased by Soccer Shots. Unit One would be retained by HCPAC. The "Common Area" is a specific legal definition of that area which would be the shared use of all the owners in the condominium. The Common Area would include the access drive coming in off Eisenhower Blvd. and the parking area between the two units. A Condominium Association will be established for the purpose of maintaining the Common Area. The cost of this will be shared between the two unit owners.

Mr. Knopp asked what the difference was between going with a Condominium Plan versus a standard (subdivision) plan.

Mr. Henninger answered that in order to do a subdivision plan under this layout, they needed a variety of variances which they did not get from the Zoning Hearing Board. So they could not subdivide and make it work under the Ordinance. With the Condominium option, they do not have to meet the Subdivision Ordinance because it is governed by the Condominium Act and not the Municipality Planning Code.

Mr. Henninger then asked if there were future plans to have the two buildings "condo'ed" off to create more condo units.

Mr. Kurowski responded that there is no plan for that right now.

Mr. Henninger added that although the Condominium concept is not new, it is new for the township. He asked if there would be metes and bounds that are shown with these units.

Mr. Coles said there will be. He said that before they got into that level of detail, they wanted to make sure that the Township was on board.

Mr. Edinger added that he was President of a Condo Association for a while and the bylaws and rules and regulations need to clearly state who is responsible for what or else you could end up running into arguments and discussions that you probably don't want to have.

Mr. Coles explained that Unit One will be owned by HCPAC and Unit Two will be owned by Soccer Shots. The way the common area breaks down legally is that each unit owner technically owns an undivided interest in that common area. So the common area is jointly owned by the unit owners although it will be administered and maintained by an Association.

Mr. Breon asked who owns all the green space.

Mr. Coles answered that Unit Two would own the green space behind their building and Unit One would own the green space from their building out to Eisenhower Blvd.

Mr. Wagner asked if in the future the Units could be sold separately.

Mr. Coles replied that yes, they could be sold separately. However, it will be subject to the declaration that is recorded of record. The Condominium Declaration and the plats and plans associated with it get recorded in the Recorder of Deeds Office and that establishes the Condominium. There will be a deed for Unit Two which will be conveyed by the Performing Arts Center to Soccer Shots. In the future, either of the two units could convey their unit however it would be subject to the declaration that is recorded of record.

Mr. Henninger added that the units could have restrictions on used or requirements for transfer.

Mr. Breon asked if the township had a say on what those restrictions are.

Mr. Henninger said the township does not really have a say except that one of the recommendations will be that if this is moved on, it will be subject to township counsel's review of the proposed declaration and covenants, rules and regulations, and by-laws.

Mr. Coles pointed out that any future development of the property, not that there is any contemplated, would be subject to Township Ordinance.

Mr. Henninger added that even with a change of use, it may potentially affect the parking issues, these things still always have to be addressed.

Mr. Coles also stated that with any new construction, there would be a need for a land development plan which would lead them, or whomever it may be, right back here.

Mr. Fausey feels the condominium plan looks nice and clean as long as it is subject to Mr. Henninger's review.

Mrs. Letavic asked for more talk about justification for the existing conditions.

Mr. Kurowski said that the Ordinance requires a boundary and topography survey of the entire property, what they have is a boundary survey of the entire property, and a topographic survey of only those parts that are impacted by the proposed improvements. He said they didn't feel they needed that data for anything because there are no improvements in that area.

Mrs. Letavic said that what she was hoping to see was some more features, maybe digitized, with maybe a light hatch behind it to demonstrate these are approximate. She is concerned that when the plan gets recorded, if anybody just flips to the proposed conditions and then wonder where that building came from, when it has been there for 90 years. But she said she can support it as long as the proposed condition sheet has more detail on it. But as it currently stands, she doesn't feel she can agree or support it.

Mr. Kurowski replied that they can certainly clarify on the proposed drawings with a screened back aerial imagery.

Mr. Henninger then asked if the stormwater facilities for the new construction going to be completely within Unit Two boundaries.

Mr. Kurowski said yes.

Mrs. Letavic asked about the utility lines going thru the pond.

Mr. Kurowski said there are two very large, old trees that they are trying to preserve. What has happened is that because of the space that they need and the tension, they have tentatively shown the utility lines as going under the basin. They don't have much of a choice with the sewer line but with the other utilities they have a little flexibility in moving them. They have provided the water and gas companies with a plan, they are just waiting to hear back from them. When they get those letters, they will provide them to the Township.

Mrs. Letavic advised that the issue is to try to keep the laterals out of the easements.

Mr. Edinger asked if they could keep the laterals out of the common area.

Mr. Kurowski replied that they would rather not have them in the common area. Unfortunately, the easiest answer would be to take those trees down and run the laterals outside the easement and next to the pavement.

Mrs. Letavic asked Mr. Henninger whether the condominium Plat B be recorded as part of a land development plan or just as a reference on a land development plan.

Mr. Henninger replied that the condominium documents will be recorded and that will have the plan on it. But he agreed with Mrs. Letavic and added that at a minimum a note be included if not adding that sheet.

Mr. Kurowski suggested that they keep the plan in the document because those things relate to each other but they would be happy to provide a note that references that. Then they would have a chain that would tie them together.

Mr. Knopp asked the public if they had any questions.

Mr. Ron Paul (resident and former Township Manager) asked if was explained how all the documents (Land Development Plan, Condominium documents) would be recorded.

Mr. Henninger advised that the declaration would be recorded. It is a lengthy document that sets forth all those requirements so that any unit owner that is buying is part of the chain of the title. That declaration will show this as an exhibit to it.

Mr. Paul asked that as far as the plan documents go, this is a land development plan. What other sheets will be recorded with it?

Mr. Greene informed him that the documents that would be recorded with it are the O&M Agreement, the Stormwater Management documents, Sanitary Sewer documents, all improvements associated with the land development, etc. There will be quite a few sheets.

Mr. Henninger said it is just not a one page recording like in the old days.

Mr. Knopp asked for any more questions or comments from the public.

There were none.

Mr. Greene informed that he had a couple comments that he developed from his second plan review. The Fire Chief had a chance to look at the plan, he is asking that the fire hydrant and the fire department connection be located in the vicinity between what would be the loading/unloading area and the entrance to the building. They are looking at that location specifically for entry for the emergency services to pull in and make connection to those units.

Mr. Kurowski said that they did have some questions they need to discuss with the Fire Chief about that. There is a fire hydrant located out by Eisenhower Blvd. that is within 500 feet of the building and the building is to be sprinklered, so if they are required to have a fire hydrant on site, they would have to run a new six inch line which would significantly increase the meter size and cost. They didn't feel this was necessary since the building will be sprinklered and the existing fire hydrant is within 500 feet.

Mr. Greene told him he could discuss that with the Fire Chief but it is also part of the Zoning Ordinance and he has referenced the section 27-2015.1.B in his comments. He believes a fire hydrant must be within 400 feet for this type of use. Mr. Greene said they could research that

and discuss it. The FDC has a standard that the fire companies always require at the building location.

Mr. Kurowski acknowledged that and said this is why they wanted to have a further discussion with the Fire Chief. If this is what ends up having to happen, then that is the way it will go. He said they just wanted to have a little more discussion based on what they are proposing with the building and the intended use.

Mr. Henninger added that if they would go in that direction, they would definitely have to go before the Zoning Hearing Board.

Mr. Breon asked what the square footage of this building was going to be.

Mr. Kurowski said the footprint is just under 13,600 square feet. There is a 3,000 sf mezzanine floor above as well.

Mrs. Letavic asked what the status of their permit applications were.

Mr. Kurowski said that they just received the confirmation of completeness from the Dauphin County Conservation District, so they are now in technical review; the Sewer permit is in review by the Authority but they have not forwarded the exemption request on to DEP yet because they were waiting on their response on the first round of comments; and the utility HOP has not been initiated because they are working out the details of the connection.

Mrs. Letavic asked what the desired schedule was to get started on construction.

Mr. Kurowski said as soon as possible but he is thinking probably this summer.

Mr. Knopp asked if there were any other questions or comments.

There were none.

Mr. Knopp asked for the three waivers to be addressed at this time.

Waiver #1 – to eliminate the preliminary plan and go straight to the final land development plan. Mr. Breon made the motion to approve. Mr. Wagner seconded. All were in favor.

Waiver #2 – a partial waiver to go with the existing features survey on just their portion because Unit #1 has already been surveyed. Mr. Fausey made the motion to approve. Mr. Breon seconded. All were in favor.

Waiver #3 – to adjust wording on the wetlands certification application. Mr. Wagner made motion to approve. Mr. Fausey seconded. All were in favor.

All three waivers were passed.

Mr. Knopp then asked the Planning Commission what they would like to do with the proposal.

Mr. Fausey made the motion to recommend approval with stipulations* (subject to the outstanding comments as set forth by the professionals and staff). Mr. Breon seconded the motion. All were in favor.

*Mr. Knopp added that one of those stipulations would have to be that Mr. Henninger has to review the proposed Condominium Declaration's rules and regulations and the bylaws.

The motion was passed.

CAPITAL VALLEY BUSINESS PARK – Review and discuss for recommendation the application for Final Subdivision Plan #2017-02 to divide the lot into four lots separating the existing developments and proposed developments at 655 Fulling Mill Road as submitted by LSC Design, Inc. for Capital Valley, LP.

Mr. Knopp advised that this plan will be going to the Zoning Hearing Board so we are going to want to hear what they have to say first. So we will probably end up tabling it tonight.

David Koratich with LSC Design introduced himself and Mr. Ron Warner from Capital Valley Limited Partnership. He went on to say that they were here a few years ago with the development of the second building in the Capital Valley Business Park along Fulling Mill Road and Oberlin Road and Kreider Drive. Kreider Drive splits the 38 acre tract into two distinct pieces. Back in 2001, the business park was developed for four potential building sites. They were here tonight with the Final Subdivision Plan to take that 38 acre tract and divide it into four lots with Lot 1 and Lot 2 being the lots with the developed infrastructure with the two buildings on it. Lot 3 and Lot 4 would be vacant land to be developed in the future. With this is three waivers:

- Preliminary Plan Waiver
- Contours, showing existing topography
- Having concrete monuments at every change in direction in the property line.

There is one variance that will be heard at the March 21 Zoning Hearing which is the overall lot size. Comments were received by Mr. Greene and Mrs. Letavic but he feels the notes and comments are nothing that they cannot handle.

Mr. Knopp asked if there were any questions from the Planning Commission.

There were none.

Mr. Henninger asked Mr. Greene if this was a 15 acre minimum lot size in this zone.

Mr. Greene confirmed that it is. Their plan is indicating lot sizes of 7.(some) acres up to 14.(some) acres.

Mr. Knopp asked what each of the tract sizes are, approximately.

Mr. Edinger read the sizes off the plan. They are 7.84, 7.75, 14.3, and 8.3.

Mr. Koratich added that Lots 1 & 2 are the biggest lots and they are the ones that currently have the buildings on them.

Mr. Henninger wanted to make clear that right now there are two buildings on just one lot.

Mr. Koratich said that in 2001 with the original development, the plan was for four buildings on one lot.

Mr. Greene added that the building which is now Lot 2, the structure on it was constructed in 2015 and the land development plan was in 2014 and the tenant fitouts are just now being completed.

Mr. Warner said it will be 100% occupied within 6 months.

Mr. Knopp asked who the four tenants were.

Mr. Warner said they are Scott's Lawn Care (TruGreen), Feed My Starving Children, and two others (that were not audible thru the recorder).

Mr. Knopp who the tenants were in the second building.

Mr. Warner replied that they were Liberty Dialysis, Securitas, and CommScope.

Mr. Fausey asked what they plan on doing with the lots when they are subdivided.

Mr. Warner said they would retain ownership of all four lots. They have no plans on selling in the immediate future. Not until they develop and build on those lots. That is their goal.

Mr. Fausey asked if they had a time frame.

Mr. Warner said within the next five years.

Mr. Edinger said that he had questions about a couple adjacent property owners. Parcel #36-008-013, Donald Homsher, should be #36-005-013. There is also another adjacent owner at the top northeast of the property that is not listed in their notes. He then gave them a map.

Mr. Edinger also had a comment on the floodplain. It says in the notes that this property is part of the 100-year floodplain. Map #432.05.01, effective date is 2012.

Mr. Kurowski said that was just an erroneous note and they had no idea why that was put on there.

Mr. Edinger said that it should be taken off because it is not in the 100-year floodplain.

Mr. Breon expressed his concern for when the land is developed any further because of the way it floods down in the one corner right now.

Mrs. Letavic discussed the two waivers:

- One is for existing and proposed contours – she has no problem with that
- The other is for the monumentation – she said they are putting pins everywhere and that is perfectly fine

Mr. Kurowski said that they were planning on having one monument per lot.

Mrs. Letavic said that was fine.

Mrs. Letavic added that there is a storm-pond on the northeast corner that technically serves the newer building. She said that certainly notes can be added to the plan, but she was concerned about the plan getting split from the parcels in the long term as it might get sold to somebody else; so she is wondering if it may make sense to include stormwater easement deed language for the lots being created.

Mr. Henninger agreed with this.

Mr. Wagner asked about sidewalks.

Mr. Henninger informed that sidewalks are a land development issue. They have to get their variances approved first.

Mr. Greene advised that they are on the schedule for March 21, 2017 for the Zoning Hearing Board. Our next Planning Commission Meeting will be the same week on a Thursday.

Mr. Knopp asked if there was a motion on this Capital Valley Business Park plan based on what we have discussed.

Mr. Breon said that he didn't feel we had a choice but to table it for now.

Mr. Wagner made the motion to table the plan. Mr. Breon seconded. All were in favor to table.

APPROVAL OF MINUTES

With a quorum available now, Mr. Knopp asked for a motion to approve Dec. 22, 2016 minutes. Mr. Breon made the motion and Mr. Wagner seconded the motion. All were in favor.

OTHER BUSINESS

None.

ADJOURN

A motion was made by Mr. Breon and seconded by Mr. Wagner to adjourn the meeting.
Motion unanimously approved.

Meeting adjourned at 8:17 P.M.

Respectfully Submitted,

Robert S. Greene, Jr.
Planning and Zoning Coordinator