

MINUTES

PUBLIC HEARING – APRIL 3, 2013

LOWER SWATARA TOWNSHIP BOARD OF COMMISSIONERS

A Public Hearing of the Lower Swatara Township Board of Commissioners, held at the Lower Swatara Township Municipal Building, was called to order at 6:00 P.M. by President Frank Linn, Sr.

Roll call was taken with the following officials in attendance:

- Frank Linn, Sr., President
- William L. Leonard, Vice President
- Michael J. Davies, Secretary
- Thomas L. Mehaffie III, Commissioner
- Jon G. Wilt, Commissioner
- Harry N. Krot, Township Manager
- Peter R. Henninger, Township Solicitor
- Brenda K. Wick, Planning & Zoning Director
- Jean R. Arroyo, Recording Secretary

Residents and visitors in attendance:

(PLEASE SEE ATTACHED SIGN-IN SHEET)

Mr. Krot explained the procedure for this evening's Public Hearing, which is to receive public comment on an application for a zoning map amendment submitted by Campus Heights Associates LP to rezone an approximate 4 acre tract from Residential Urban (R-U) to Commercial Neighborhood (C-N). After opening remarks, the applicant will be provided the opportunity to present the request. Public comment will then be received; individuals wishing to offer comments are asked to address the Board and or applicant one time. After everyone wishing to speak has had an opportunity to speak once, those who have previously spoken and wish to speak again will be provided the opportunity to speak one additional time. At the conclusion of the public comment period, the President of the Board will ask the Commissioners if they have any questions or comments. The hearing will then be closed. Mr. Krot added that the proposed ordinance will be considered at the regularly scheduled workshop meeting which will commence at 7:00 P.M. tonight, or at the conclusion of this Public Hearing.

Solicitor Henninger added that the Notice of the Public Hearing and the proposed ordinance were duly advertised in the March 13 and March 20 editions of the Press & Journal. Proof of publication is on file at the Township Office. He asked Ms. Wick, Planning and Zoning Director, to confirm that the property was posted. Ms. Wick confirmed that it was posted at least ten days in advance. Solicitor Henninger also asked Ms. Wick to confirm that notices were sent to the property owners involved. Ms. Wick confirmed that they were. The floor was then turned over to the applicant.

Ambrose Heinz, Stevens & Lee, attorney for the applicant, stated that this request is to rezone an approximate 4 acre tract of seventeen properties from Residential Urban to Commercial Neighborhood to facilitate use of the sixteen properties controlled by his client for student housing. Both the Dauphin County Planning Commission and the Lower Swatara Township Planning Commission are recommending approval of this request. Charles Hess, Forino Company, presented a rendering of the proposed site, and again noted that sixteen of the properties are under contract with the applicant, and the other one is owned by Lawrence Street Partners (also known as GreenWorks Development). The Township Planning Commission, upon its review, actually took to heart a suggestion from the Dauphin County Planning Commission and suggested that the remainder of the block to Wood Street also be included in this rezoning. Mr. Hess added that student housing is permitted in the Commercial Neighborhood district by a Special Exception. This zoning application is just one step in the process that would be necessary to have the student housing project approved. In addition to requiring a special exception, the plans would need to go through the normal subdivision and land development approval process. Another one of the steps would require vacating some of the public streets.

Mr. Hess explained that what is envisioned here are two buildings for student housing, as well as one common space or “amenities” building. There has been significant growth at the Penn State Campus, resulting in the need for more student housing. Campus Heights is here to meet this need and feels that this is where student housing should be – close to the campus. The design for the site promotes pedestrian access by having all the buildings open into an interior courtyard and system of walking paths. Vehicular access is somewhat of a concern, but it is felt that these private access drives through the parking lots will basically function similar to public streets. There will be no restrictions on them, and the public can certainly drive through. Mr. Hess added that they have not really gotten into much of the site engineering at this time.

The Board was then offered a chance to address the applicant.

Commissioner Davies inquired about the number of parking spaces for the new student housing buildings. Mr. Hess stated that there are two buildings proposed with eighteen units each. Each unit will have four bedrooms. Requirements are to have one parking space per bedroom, which would mean a total of 144 spaces. What is being proposed is 156 spaces, which would provide for some overflow.

Vice President Leonard asked if the applicant is aware of the potential development of the area north of Dauphin Street. Mr. Genesio, Campus Heights, confirmed that he is. Vice President Leonard stated that due to the location of the proposed project, the fire department from the Borough of Middletown will most likely be the first department to respond to a fire at this site. It is also very likely that the fire truck will use Lawrence Street to get there. He noted that he does not see any easy way for a fire truck to travel up Lawrence Street due to the sharp turns, detention pond, etc. Vice President Leonard explained that he does not like this layout for two reasons. First of all, there is a series of 90 degree turns, which is too risky. Also, it is a fact that people like to travel in a straight line. Looking at the bigger picture and the possible development north of Dauphin Street, it seems logical that Wood Street and Lawrence Street should go straight through. He stated that right now, from a safety and planning standpoint, he feels that improvements should be made to this plan as it gets developed.

Mr. Genesio explained that the specifics of the layout will be dealt with through the land development process. However, no matter how the public road is built, a vehicle will still need to make a 90 degree turn to get into the facility. This particular design was favored in order to facilitate a 360 degree angle of attack from a fire department standpoint. They have also entertained the idea of making the interior courtyard some type of reinforced turf to allow fire trucks to drive through. Vice President Leonard requested that the developer reconsider this layout. While the interior courtyard is fabulous, it is not the best layout in the interest of public safety. Mr. Genesio agreed that the developer will consider comments from the Planning Commission and the Board during the land development process. Mr. Hess added that they did take a look at extending Lawrence Street straight up, but since they do not have control of the Gina Lane property, it would create an offset condition. Vice President Leonard suggested that through the cooperation of multiple property owners, this could be made to happen.

Commissioner Wilt recalled touring the present Campus Heights facility a year or so ago, and seeing that some fire safety features were implemented. Mr. Genesio agreed that the current facility was designed with increased fire safety measures, and these new buildings will be designed similarly.

Solicitor Henninger reminded the Board that all these issues can be addressed at the appropriate time, which is during the planning process, if this rezoning is approved. The issue tonight is solely consideration of the rezoning request. He suggested the Board not get too focused on the layout of the plan.

The floor was then opened for public comments.

Michelle Keeney, 310 Dauphin Street, stated that the growth of Penn State is not sustainable to more housing. The enrollment has only gone up by 200, and there are fourteen other available housing complexes for students within five miles of the campus. She added that because it is centralized, Penn State Harrisburg is a commuter school. The students do not need to live right next to the campus. Ms. Keeney stated that there is absolutely no need for more development in her neighborhood.

Ruth Helwig, 341 W. High Street, stated that Penn State is actually growing faster than anyone realizes, and has experienced a 75% rate of growth in the last ten years. The cars in the parking lots at the Campus have out of state tags, which reinforces the fact that these are not local students. This student housing is needed. Ms. Helwig added that the neighbors here have been fooled around for three years, and want out.

Ron Keeney, 310 Dauphin Street, stated that the Board is going to pass this amendment anyway. He remarked that the engineer is missing the fact the students are not going to class 24/7, but maybe seven hours of the day. The driving here will increase over 100%. There are no sidewalks in this area, and the bottom of Wood Street has the potential for some serious accidents. Three "No Walking" signs have been installed across the road, and he is not sure who was responsible for this. They should not be there. Mr. Keeney cautioned the Board that this area is already a disaster, and the Board will create more of a disaster by adding additional students.

Donald Burger, 505 N. Lawrence Street, stated that this additional student housing is a good thing for the Township, and will also create some business opportunities. He expressed hope that the Board will agree to this zoning change.

Peggy Guinovan, 535 N. Lawrence Street, highlighted some of the recent expansion projects at Penn State Harrisburg, including a fitness center and EAB. She has been told by friends who work there that Penn State does not want to put money into student housing, but rather into its education program and student related projects that will benefit all the students. Ms. Guinovan stated that she supports this rezoning. She has lived here 75% of her life, and never thought she would want to sell her house. However, her nice quiet neighborhood is gone because of the student housing. Now the students outnumber the property owners and their families. The residents here have been putting up with noise, parties, trash, speeding, students walking in the streets, etc. Her home has been egged twice, and she deals with trespassing on her property which involves the trespassers climbing over two fences. Penn State's outdoor athletic program has also resulted in loud noise, cheering, horns, and balls hit in her backyard. The residents of Dauphin Street and Wood Street did not experience the magnitude of problems with these students as she and her neighbors did. Ms. Guinivan added that when the Penn State fence was closed off, it solved all of the issues with the student traffic. Her grandchildren can now ride their bikes on old Lawrence Street when she is outside with them. However, with the sale of 13.5 acres of cemetery property to GreenWorks for more student housing, she will be sandwiched between housing projects. The Eagle Heights neighborhood will never be the way it used to be. There are also rumors that all of Eagle Heights will become student housing, and GreenWorks will donate these buildings to Penn State in the years to come. Ms. Guinivan stated that she does not want to delay this any longer. She wants out while the opportunity is here. She asked the Commissioners to approve this rezoning request, which has already been endorsed by the Township and County Planning Commissions. She also thanked the Board for listening to her comments throughout the last meetings.

Lin Coble, 400 Young Avenue, agreed that the residents really need this zoning change to be approved.

Jason Fasnacht stated that his father lives at 346 Dauphin Street, and he had also lived there for 20 years. The improvements being done in this area are improvements all the way around, and they are bringing new blood into the Township. He feels, however, that his elderly father does need to be out of here. Mr. Genesisio is providing that opportunity, and the Board is being asked to support it. Mr. Fasnacht also addressed the comments about fire response. He stated that had been a firefighter for Highspire, and also drove the fire truck from time to time. Anything would be an

improvement over the series of 90 degree turns that are up there now. Mr. Fasnacht also thanked the Board for its time.

Commissioner Mehaffie referenced the Commercial Neighborhood zoning at the present student housing location, and asked if this area was already zoned that way when GreenWorks and KGH initially built there. Mr. Genesio confirmed that it was. No rezoning was required, only a text amendment to the zoning district in order to permit student housing in this Commercial Neighborhood District by a Special Exception. Commissioner Mehaffie also asked if the recommendation to extend the rezoning to Wood Street was the idea of the Dauphin County Planning Commission or the Lower Swatara Township Planning Commission. Mr. Genesio stated that while both planning commissions recommended this, it was first presented by the County Planning Commission. The reasoning was to prevent the need for someone else having to come in and go through this same process, if the Township does see the future of the area going in that direction.

Commissioner Davies asked what point in the process a traffic study will be performed. Mr. Hess stated that this is a requirement under the subdivision and land development ordinance, so it will be addressed at that time.

Commissioner Wilt inquired what the Board is being asked to vote on tonight. Will it act on the rezoning request advertised, or will it act on the recent recommendation of the Planning Commission to also include in this rezoning the remainder of the block? Solicitor Henninger explained that the Board can only act on the 4 acre tract that was advertised for consideration tonight. If the Board or another applicant desires that the remainder of this property be rezoned, it will have to go through the same process, including a Public Hearing.

Vice President Leonard referenced the possibility of Lawrence Street being extended straight through, and questioned whether this rezoning includes the section that will allow this to happen. Mr. Genesio explained that the plan which shows Lawrence Street extending straight up from where it is today encroaches on private property, so the cooperation of GreenWorks would be necessary. There is also a third offset option showed. This option, however, would create a rather chaotic intersection. Mr. Genesio again noted that there are options that can be explored.

Commissioner Mehaffie asked Ms. Wick her thoughts on the proposed zoning map change. Ms. Wick stated that it seems that the student housing in there to stay, and additional student housing in the area is consistent with the Comprehensive Plan. Both the Dauphin County Planning

Commission and Lower Swatara Township Planning Commission made positive recommendations for the zoning change. Mr. Wick also clarified that in the County's letter, it recommended that the rezoning extend to Wood Street, because the County thought it was the zoning boundary. The intention, however, was to have it as far as the zoning district, which is actually the municipal boundary a little further east towards Middletown. The Township Planning Commission agreed to this recommendation. Ms. Wick stated, however, that this additional area is not on the table for action tonight.

Ms. Keeney asked what this additional student housing will do to her property value, which has already taken a \$30,000 hit. The closer it gets to graduation, the more parties are going on up there. The police were at her home this weekend due to a vandalism complaint. Someone had thrown cigarette butts into her child's trampoline. If the butts had been thrown closer to her shed, which contains gas, an explosion could have occurred. Ms. Keeney added that the recommendation given to her was to put cameras in her backyard to monitor this, at a cost of \$600 - \$800. She added that fencing in her backyard would cost her around \$20,000. She asked why she should be the one responsible for bearing this expense.

Mr. Keeney stated that this new student housing development will just move the problem on Wood Street closer to his house. His home will end up being one big island.

Ron Helwig, 341 W. High Street, asked the people who are impacted by this issue to stand. He observed that those standing are all in favor of this change. Ms. Keeney interjected that this is not correct. She is not in favor of the change.

ADJOURN:

Hearing no further questions or comments, a motion was made by Commissioner Mehaffie, seconded by Vice President Leonard, to close the Public Hearing. The motion was unanimously approved, and the Public Hearing was adjourned at 6:46 P.M.

ATTEST:
