

## MINUTES

### **LOWER SWATARA TOWNSHIP PLANNING COMMISSION**

**REGULAR MEETING  
July 28, 2016 7:00 P.M.**

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

Chauncey Knopp, Chairman  
Eric A. Breon, Vice Chairman  
Kimber Latsha  
Paul Wagner  
Peter Henninger, Solicitor  
Erin Letavic, HRG  
Robert Greene, Planning & Zoning Coordinator  
Tonya Condran, Recording Secretary

Absent:

Chris DeHart

Others in attendance:

J. Marc Kurowski, K&W Engineers  
Daniel Schwanz, Sovran Self Storage, Inc.

## MINUTES

A motion was made by Mr. Wagner and seconded by Mr. Latsha to approve the Minutes of the June 23, 2016 meeting. Motion unanimously approved.

At this time, Chairman Knopp made the decision to handle new business first so the attendees could leave earlier and not have to sit through our old business discussions.

## NEW BUSINESS:

**UNCLE BOB'S SELF STORAGE - Review and discuss for recommendation the Application for the proposed Land Development Plan #2016-04 for Sovran Acquisition, LTP (dba Uncle Bob's Self Storage, 3271 Fulling Mill Road), as submitted by K&W Engineers, LLC.**

Marc Kurowski from K&W introduced himself and described the project with visuals on the projector screen. He explained where the site was – at the intersection of Eisenhower Blvd and Fulling Mill Road.

He went on to say that from a Land Development Plan standpoint, it is a fairly straight-forward project. Currently there are six existing storage buildings and three additional storage buildings that will be demolished and replaced with one larger building. They will also be replacing some of the paving on the west side of the building. He said

they are eliminating quite a bit of paving in one of the areas since they are not proposing any vehicular access around the back.

Other than the building construction, they will have a sanitary sewer connection for the building as well as a new water line connection which will run along the northeast side of the property.

Because of the reduction of pavement, they are actually reducing the amount of impervious cover so no modifications for stormwater management will be needed.

Mr. Kurowski added that they are here tonight with both a Land Development Plan and a Zoning Application. He then asked the Planning Commission members if they had any questions on either the LD Plan or the Zoning Application.

Mr. Breon questioned the indication that there would be no access to the back of the building for vehicles. He feels the Fire Dept. will think this will be an issue because normally they like access around the back of the buildings.

Mr. Kurowski said that he knows the Mechanical/Electrical Designers have looked at this extensively and he thinks they may have talked directly to Mr. Fure (LST Building Code Official) to confirm that the construction is appropriate in terms of fire rating, and the building has been sprinklered. They recognized that this question was going to arise, so they looked at the building specifically to assure that they are compliant with whatever would be necessary for fire protection.

Mr. Greene added that the plan was given to the Fire Chief but we have not heard any comments back yet.

Mr. Henninger asked if there was any cross-access from the other properties.

Mr. Kurowski replied that there was not due to the high fence and razor wire. There is none currently and there is none proposed.

Mr. Breon asked if there was access behind the buildings that are there now.

Mr. Kurowski said yes, there is paving back there right now and there are some overhead doors there as well.

Mr. Kurowski introduced Dan Schwanz from Sovran Acquisition.

Mr. Schwanz explained that the building is designed to have sprinklers. They have had conversations with the Fire Dept. in regards to shifting the building to the back of the property and all they are allowing for in the back is compressors for the mechanical units. But as far as the conversations between Uncle Bob's and the Fire Dept., Mr. Schwanz

thought they were happy with the access on both ends of the building. But if the Fire Dept. would not be happy with it, they would make it right.

Mr. Kurowski then went on to reiterate that he has both items (Land Development and Zoning Application) for the same plan tonight. They did receive the review comments from Erin Letavic as well as from Bob Greene, and they do not see anything on there that gives them any consternation and probably won't have much impact to any real changes on the plans. There are a number of administrative items that will be needing some approvals that they will need to secure. But at this point, they would like to ask for a recommendation for a Land Development Plan approval even if that is conditioned upon a Zoning Application.

Mr. Schwanz then added that being at the calendar date that we are in, they are prepared to move forward with the project, it's not exploratory. They plan on moving on this project as soon as possible because there are tenants in the buildings that will be taken down, so they have to give them time to move them to other units.

Mr. Knopp asked if there were any other comments from the Planning Commission on the plan itself.

Mr. Henninger added that there are two variance requests that would create potential issues that would have to come back here if there weren't granted. These would be the setback requirements and the internal setback requirements. If those variances aren't granted, it would necessitate a complete redesign of that building layout, so he doesn't know how you can recommend a plan not knowing the outcome of the zoning hearing. So his recommendation is to wait to make a motion to approve until they have had the zoning hearing.

Mr. Greene advised that the zoning hearing is scheduled for August 10, 2016.

Mr. Henninger then added that if they go to the Zoning Hearing Board and they get their variances approved, the township would then have an appeal period, and they could come back to the August 25<sup>th</sup> Planning Commission Meeting. But the Board of Commissioners will not see this plan until their September meeting.

Mr. Knopp asked Mr. Greene if he had any comments.

Mr. Greene asked if they had any objections to Mrs. Letavic or his comments because there are some waivers that need to be addressed as well.

Mrs. Letavic informed that there are no sidewalks on the plan. The Township does require sidewalks for all plans, either deferred or installed. Her comment was that the applicant should verify if there was a waiver for this requirement previously approved for the property. If there is no approval either way on sidewalks, this is the time to establish it.

Mrs. Letavic stated that the only other item she wanted to bring up was stormwater easements. She stated that LST is an MS4 community, so we would like to see that there are stormwater easements established on the site, even if they are not touching that infrastructure.

Mr. Breon responded that he doesn't feel that sidewalks are needed out there. He said the closest sidewalk is probably in Shope's Gardens but it is something we typically do ask for consideration or plan for, ask for deferral, etc.

Mr. Henninger added that the Board of Commissioners would prefer a deferral as opposed to a waiver. He was looking through papers to see if it was ever given a waiver in past plan submittals, but he did not see anything.

Mr. Knopp stated that the two waivers would be addressed at this time.

First waiver – The builder has requested a waiver on the requirement of a separate preliminary plan submittal. Mr. Latsha made the motion to approve, Mr. Breon seconded. All were in favor.

Second waiver – The developer has requested a waiver of the requirement of a 20 foot minimum easement in the areas behind the proposed storage building and the adjacent property line.

Mr. Henninger interjected that before a motion was made on the second waiver, he would have a recommendation to make it contingent upon the rear yard setback being approved by the Zoning Hearing Board.

Mr. Latsha moved to approve the second waiver subject to approval of the variance for the setback requirements on the proposed new building and applicable to those easements where the 20 foot width cannot be provided due to proximity of the pipes to existing or proposed buildings. Mr. Wagner seconded. All were in favor.

Mr. Knopp then asked what the Planning Commission would like to do on the recommendation for the application of the Land Development Plan.

Mr. Latsha replied that, in light of the recommendations of the staff, he proposes that we table this until the August meeting. Mr. Breon seconded. All were in favor.

Mr. Greene reminded that the deferral of the sidewalks note will have to be added to the plan.

Mr. Knopp asked for approval of the recommendation of the deferral of sidewalks at this location.

Mr. Latsha made the motion to approve. Mr. Breon seconded. All were in favor.

Mr. Kurowski added that they currently have a Zoning Variance Application submitted to the LST Zoning Hearing Board. There are five variances requested under this application. Before he got into the five variance requests, he prefaced it by saying that it appears that what is driving the need for these variances was a plan that was approved in 1979 that had a significantly different set of criteria under which this entire site was constructed. What they are proposing to do would mimic what was previously built, actually a little better with some of the setbacks, but it is not compliant with the new requirements are; which is why they are seeking relief for those five. He then listed the five variance requests as:

- Setback requirements in the side yard is required to be 50 feet, the old plans appear to show 10 feet in that location, with this new plan they are providing the minimum setback at 14' which gets bigger as you go back along the building.
- There is a second requirement that is in the Industrial Park Zone which requires a minimum 80' separation between buildings on the same property. These buildings are about 25 – 30 feet, somewhere in that range, and there is no way that they could provide the 80'.
- Two different landscaping requirements. One is a 30' wide buffer yard on side yards.
- The second landscape requirement is a 10' buffer next to internal circulation drives. It is hard to really define an internal circulation drive here because there are cars wherever they need to be to access the building for loading and unloading. If we would consider this area an internal circulation drive we obviously cannot provide the 10' buffer because we need access right up to the building.
- There is an off-street parking requirement which relates to the number of vehicles. He said they actually have existing parking on this site, but are required to provide several (4 or 5) more parking spaces.

Mr. Breon asked Mr. Greene if this (parking spaces required) was based on some kind of formula.

Mr. Greene replied that if you look at his zoning comment #5, our ordinance does not address specifically this type of use; his comments were that the existing parking spaces need to remain but because of building code regulations now they are going to have to provide at least one handicapped compliant space because now the new building code regulations address these type of storage units and we need to provide compliance for the building code accessibility. This is for the new building. It needs to be the closest parking space to the entrance of the main building, as long as it is within 500 feet.

Mr. Breon asked if the building was multi-stories.

Mr. Kurowski said it is a two-story building.

Mr. Breon asked if there would be an elevator.

There will be.

Mr. Greene commented on a subject in his reviews. The Zoning Ordinance requires that we establish what is called a “rear yard.” Each lot is supposed to have front, side, and rear yards. Because this is a corner lot, there will actually be two front yards but one of the other yards should be a rear yard. Typically, it is the opposite of what the front yard with the address is. It’s not going to affect the setback requirements by dimension, but we should establish or identify that as the rear yard setback. The one along the south property line.

Mr. Kurowski asked if that would be the one that paralleled Fulling Mill Rd.

Mr. Greene said yes. It is identified on the plan as a side yard, he is just asking them to change it to say rear yard.

Mr. Knopp asked how many units will be in the new building.

Mr. Schwanz answered that there will be 200-230 units, all climate controlled with temperatures being maintained year-round. They are cognizant of the space between the buildings. They spent a lot of time spacing the buildings and calculating how many people are going to be driving up, how many cars may be at the front entrance at the same time. They try to keep the drive aisles as wide as they can to accommodate that. He went on to say that typically it is not the same as a retail operation where you have an influx of people all at the same time. You could have maybe a total of ten people visit the site at different times on any given day. The busiest times are the beginning and end of a month with people moving in, and moving out. So for the most part, you don’t see a lot of traffic on the site on a daily basis.

Mr. Breon asked if there was going to be a back-up generator for this building due to the climate control aspect.

Mr. Schwanz said no, there will not be a back-up generator, but they do have safety features built into the elevators.

Mr. Knopp asked how long the new building was going to be.

Mr. Schwanz replied that it is almost 300 feet.

Mr. Latsha asked if it was the same footprint.

Mr. Schwanz said that to accomplish this, they had to figure out how they can absorb the cost of demolition, displacing all the people causing lost revenue, and the cost of the building and the features they would like to put in, that is why they went to two stories instead of just one, to make up the additional square footage of what they are losing. So in this case, they are taking down three buildings, and the footprint is actually shorter so overall it is less structure footprint, just taller.

Mr. Wagner asked if it was accessible 24/7.

Mr. Schwanz responded that this building is open 9am to 6pm. Tenants that would need access outside of those hours will be given special codes to get it. All of their new buildings have access key pads. So the code that will get you in through the gate, will also get you into the new building. They will be able to track by entered entry codes who is in the building at what times. There is a level of security this way.

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

There were none.

### **OLD BUSINESS:**

#### **MEDICAL MARIJUANA ORDINANCE – Review and discuss for recommendation to the Board of Commissioners, an ordinance for the newly passed bill of Medical Marijuana as it pertains to Lower Swatara Township.**

Mr. Henninger started off by saying that Legislature passed a statute legalizing Medical Marijuana. The County then came up with a Model Ordinance which was revised between the time we distributed the material to the Planning Commission and the actual day of the Planning Commission Meeting, so we have some revisions here to discuss. The bottom line is that the State has preempted local municipalities' ability to deny Medical Marijuana facilities. It must be allowed. Growers, Processors and Distributors must be allowed in various zoning districts. The way it is written, it must be allowed in Commercial and Industrial Zones; but nothing is addressed as far as Agricultural Zone. Other municipalities have Family Farm Support Business type ordinances and Mr. Henninger provided a copy of what Londonderry Twp. has adopted. The discussion from last month's meeting was about trying to help the farmers out with completely self-contained grow facilities. Why not allow this in an Agricultural District as opposed to Commercial/Industrial? So, he went on to say, we have two things to discuss: one is the Medical Marijuana model ordinance; and the other things is expanding this to include the Agricultural Districts.

Mr. Henninger went on to inform that there is a 1000 foot setback requirements from public/private/parochial schools and daycare centers. There are a lot of things included in the State statute but there are also rules and regulations from the Dept. of Health that haven't been promulgated yet; so these things are a year or more away, but the idea is to get everything in order for when someone comes in to file a plan.

Mr. Breon asked that if we allow for the use in the Agricultural District, will we still have to allow in the Commercial/Industrial Districts. Is this a mandate?

Mr. Henninger confirmed that yes, it is a mandate for Commercial/Industrial Zones, but it is up to the Township to allow in Agricultural Zones. Grower/Processors could be

considered for inclusion in an Agricultural District under a conditional use or arrangement provided the applicable district already imposes strong coverage requirements. So now we have to decide do we want to just keep it in the Commercial/Industrial Districts, or do we want to include the Agricultural Districts. Then we have to decide if we will make it allowable by right as it would be with Commercial/Industrial Districts or by conditional use by which we would have to decide what the conditions would be. This is what the idea is behind the Family Farm Support Business ordinance because you have to have so many acres and the main property has to remain for use for principally agriculture uses; the growing of the Medical Marijuana is just to supplement the farmer's existing agricultural use. So with the Family Farm Support Business in the Agricultural Districts, it would be a supplementary use instead of a primary use.

Mr. Breon asked if the Commission can direct the Staff to go back and make recommendations on which Commercial and Industrial Districts they feel best fit these.

Mr. Henninger and Mr. Greene both said yes to that.

Mr. Latsha agreed with Mr. Breon on having the Staff review it more and give recommendations to the Planning Commission at the next meeting.

Mr. Greene explained that what they typically do is look at the purpose under each of the zoning districts and then try to fit where this may be best suited. He added that the Planning Commission may want to consider in certain districts whether it should be a permitted use or a conditional use or even a special exception. Each of those steps would require recommendation by Planning Commission.

Mr. Knopp asked what the Planning Commission would like from Mr. Greene and Mr. Henninger for the next meeting.

Mr. Breon stated that he would like staff to go back and review the Commercial, Industrial, and Agricultural Districts, and come back with their recommendations relative to which zones they recommend for approved, conditional, exceptional use. He asked that we be prepared to discuss where this would apply to on the Zoning Map and then the Planning Commission will take action from that point forward.

Mr. Henninger agreed to do that but the one thing he wants to ask the Planning Commission members to do is to look over the Family Farm Business Support Ordinance.

#### **OTHER PERTINENT 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 7:46 P.M.

Respectfully Submitted,

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Robert S. Greene, Jr.  
Planning and Zoning Coordinator