

**MECHANICSBURG BOROUGH  
PLANNING COMMISSION  
MEETING MINUTES – NOVEMBER 26, 2012**

**ATTENDANCE:**

**Planning Commission Members:** Harry Baker, Roger Ciecierski, Tim DeWire, Chris Knarr and Jennifer Magaro. Daryl Ackerman (arrived at 6:45 p.m.)

**Absent:** Ed LeClear

**Borough Council:** Kyle Miller and Linda Humes

**Borough Staff:** Patrick Dennis, Borough Manager, Jason Foster - Codes and Zoning Officer and Trish Hammaker – Codes and Zoning Secretary

**Cumberland County Planning Department:** Jim Bennett

**Applicants:** Linda Willis, Harry Roth - Planner for Linda Willis, Nathan Wolf - Attorney for Linda Willis and Mark Walker - Property Manager for Linda Willis

**Press:** None

**Others:** Dan Williams, Debbie Eckstine-Weidner, Charles E Shields, III, Denoe Raph, Gary Webber and Sally Holbert

**Next Meeting:** December 17, 2012 @ 6:30 p.m. – **CANCELLED**

**Work Session:** None

**1. CALL TO ORDER/ROLL CALL:**

Knarr called the meeting to order at 6:30 p.m. Attendance was taken and a quorum was present.

**2. PLEDGE OF ALLEGIANCE/MOMENT OF SILENT REFLECTION:**

Knarr led those assembled in the Pledge of Allegiance followed by a moment of silent reflection.

**3. PUBLIC COMMENT:**

Chairman Knarr asked if there was any public comment. No comment was offered.

**4. APPROVAL OF MINUTES: (ACTION)**

**A. September 24, 2012 – Regular Meeting.**

- **Information/Discussion:** There was no discussion.
- **MBPC Action:** Ciecierski made a motion to approve the minutes as presented. Baker seconded the motion, which passed with all in favor.

**5. CORRESPONDENCE/UPDATE: (INFORMATION)**

**A. Committees/Boards/Commission Updates.**

1. **Cumberland County Planning Commission.** Chairman Knarr noted that the agritainment model ordinance was completed and provided for use by municipalities.
2. **Historic Architectural Review Board (HARB).** Chairman Knarr stated that there was one application for signage at the last meeting. He added that the exterior light fixtures at 1 East Main Street were too low and the issue was being addressed.
3. **Environmental Advisory Council (EAC)/Shade Tree Commission.** Baker stated that Community Garden surveys were sent out and they are starting to come back.

**B. Cumberland County Redevelopment/Reuse Site Inventory Project.** Chairman Knarr stated that the paperwork was included in this evening's packets. He added that he will handle putting this list together and stated that any of the Commission members had any addresses to add to the list, they could discuss this at the end of the meeting.

**6. PLANS: (ACTION):**

There were no plans to be discussed.

7. **OLD BUSINESS (ACTION) :**

A. **Comment – Proposed Zoning Ordinance Revision – Removal of the Live-Work Unit from the Definition and Use Table and to Change Office, Small-Scale Business, Professional and/or Medical to a Permitted Use in the Commercial Main and Market Zoning District.** Chairman Knarr stated that this issue was discussed at the September Planning Commission meeting. He mentioned the process for the Comprehensive Zoning revisions that will take place in 2013. Chairman Knarr asked if there was any comment from the public on this issue.

Mark Walker, 14 North Walnut Street, asked why the definition for Live-Work Unit was being removed from the Ordinance. Chairman Knarr stated that this definition was originally developed for the Traditional Neighborhood Development (TND) Zoning District. He added that recently, some confusion arose when the definition was applied to other Zoning Districts.

Mr. Walker asked of Office, Small-Scale Business, Professional and/or Medical would be considered for the Old Town Zoning District. Chairman Knarr stated that it is a Conditional Use on the Old Town Zoning District due to the residential impact.

Harry Roth, a Planning Consultant, stated that he supported the proposed change.

Debbie Weidner, owner of rental properties on Market Street and Railroad Avenue, stated that she cannot get tenants in her commercial units under the new Zoning Ordinance without having a Conditional Use Hearing, paying a \$600.00 fee and waiting for three months until the hearing is held. She added that it makes it very hard to do business in the Borough.

Commission member Ciecierski stated that the street he lives on, Locust Street, is in the Old Town Zoning District and that making things permitted uses in that district would cause issues for the smaller residential streets in the Borough.

Sally Holbert, 424 West Main Street, stated that she owns rentals on both East and West Main Street. She stated that she encourages the Commission to be flexible with the allowed uses, adding that the live-work unit was a good idea at one time, but is no longer necessary in the Borough. She added that the Borough needs to go back to more liberal uses in the Zoning Ordinance.

Chairman Knarr asked for staff comment. No comment was offered.

Chairman Knarr stated that the proposed amendment appears to reflect the Commission's discussions at the September meeting.

**MBPC Action:** With no further discussion, Ciecierski made a motion to recommend that Borough Council approve the proposed text amendment change. DeWire seconded the motion, which passed with all in favor.

8. **NEW BUSINESS (ACTION):**

A. **Zoning Text Amendment Request of Linda Willis to Amend and Expand the Uses Allowed within the Commercial Main and Market Zoning District.** Nathan Wolf, attorney for Linda Willis, addressed the Commission regarding the application. Mr. Wolf stated that Ms. Willis is requesting the text amendment in order to allow for changes in the use table. He added that the proposed changes were low impact uses. Mr. Wolf stated that he feels that the proposed changes would generate foot traffic in the district and that the changes fit the existing downtown. Mr. Wolf noted that property owners are struggling to keep the storefronts occupied and the downtown thriving. Mr. Wolf stated that the Applicant understands that rezoning is a daunting task but the proposed changes would reduce the number of non-conformities in the Commercial Main and Market Zoning District.

Harry Roth, Planner for Linda Willis, address the Commission regarding the application. Mr. Roth stated that he read the Borough's Comprehensive Plan prior to developing the proposed revisions and there were some great ideas but it is probably too picky considering the current economy and the state of the existing buildings in the Commercial Main and Market Zoning District. Mr. Roth added that it is great to have vision, but it is also good for people who own property to be able to rent vacant storefronts. Mr. Roth stated that the proposed changes would provide for a vibrant downtown as it encourages adaptive reuse of buildings.

Mr. Roth was asked by Mr. Wolf to provide his experience. Mr. Roth told the Commission that he has been a Community Planner since 1978 and has worked with various municipalities in Central Pennsylvania.

Chairman Knarr asked if staff had any comment. No comment was offered.

Chairman Knarr asked if Jim Bennett from the Cumberland County Planning Department had any comments. Mr. Bennett suggested that any further changes to the Zoning Ordinance be done comprehensively since it is his understanding that the Planning Commission intends to perform a comprehensive review in 2013.

Councilwoman Linda Humes asked that a summary of the proposed changes be provided to Borough Council. Manager Dennis stated that he would provide this information. Chairman Knarr summarized the proposed changes as follows:

In Table 2 – Authorized Land Uses (Nonresidential Uses):

- #5 – Change Appliance Store to a Conditional Use in the CMM Zoning District.
- #6 – Add the word “studio” to the land use.
- #26 – Make a Convenience Store a Conditional Use in the CMM Zoning District.
- #28 – Make Financial Service, other a Permitted Use in the CMM Zoning District.
- #41 – Make Library a Permitted Use in the CMM Zoning District.
- #45 – Make Market Garden a Permitted Use in the CMM Zoning District.
- #47 – Make Medical and Dental Laboratory/Clinic a Permitted Use in the CMM Zoning District.
- #55 – Make Personal Service Enterprise a Permitted Use in the CMM Zoning District.
- #59 – Make Repair Service Shop, Miscellaneous a Permitted Use in the CMM Zoning District.
- #65 – Make School, Commercial a Permitted Use in the CMM Zoning District.
- #66 – Make Social Services office a Permitted Use in the CMM Zoning District.

Chairman Knarr stated that at the September Planning Commission meeting the Commission discussed undertaking a Comprehensive Zoning Revision in 2013 and asked Borough Council to budget for funding in order for the Commission to seek the assistance of a professional planning agency. Manager Dennis stated that the funds had been secured.

Chairman Knarr asked if the Commission has any comment. Mr. DeWire stated that he was inclined to recommend that the Text Amendment request be denied and that these items be looked at during the comprehensive review to take place in 2013.

Baker stated that there were some great ideas in the proposed changes but he agrees with Mr. DeWire that this should be visited during the comprehensive review process.

Magaro concurred with Mr. Baker and Mr. Dewire.

Manager Dennis stated that the Public Hearing would still be held on December 18<sup>th</sup> regardless of the recommendation from the Planning Commission.

Ciecierski stated that he would like to see the research done by the applicant to back up the suggested changes. Mr. Wolf stated that the applicant would be willing to allow the Commission to table the request so that they could provide the information. After some further discussion regarding tabling the application, it was decided to move forward with a motion and vote and have the public hearing on December 18<sup>th</sup> as scheduled.

**MBPC Action:** Baker made a motion to recommend denial of the text amendment request at this time in order to allow the Borough to discuss the proposed revisions during 2013 as part of the Comprehensive review of the Zoning Ordinance so that the Borough could hire a professional to do the required research in order to validate the changes. DeWire asked if the Commission might not consider tabling the text amendment request until the next meeting since the Applicant had indicated their willingness to agree to it while the Commission has an opportunity to review the Applicant’s background information on the requested amendment. After some further discussion, Ciecierski seconded the motion. The motion passed with DeWire voting no and the remainder of the Commission voting in favor.

Manager Dennis asked the Applicant if they could provide an executive summary to the Borough so that it could be provided to Borough Council prior to the hearing. Mr. Wolf advised that he would provide the requested documentation.

Knarr asked if the hearing date could be changed. Manager Dennis stated that it could be. Councilwoman Humes stated that she would prefer to move ahead with the hearing as scheduled. Councilman Miller agreed.

Sally Holbert asked for clarification regarding the “comprehensive approach” that the Commission keeps referring to since the proposed text amendment seems to be minor and easily implemented. Chairman Knarr explained that in 2013, the Planning Commission will look at the Zoning Ordinance and the uses contained therein and recommend changes. He added that money was budgeted in order to hire professional assistance for the process. Chairman Knarr added that the Borough recognizes that the Ordinance was adopted in 2010 and that things have changed since then and that the document needs to be looked at. DeWire added that it is not only uses that will be considered in the ordinance review, but also other elements that have shown to be difficult to interpret or enforce from an administrative standpoint for example.

**B. 2013 Meeting Schedule.** Chairman Knarr referred to the memo provided by Ms. Hammaker, which was included in this evening’s packet. He added that if the Commission decided to leave the meeting dates the same, the Work Session on the third Monday of the month and the regular meeting on the fourth Monday of the month, the February work session would have to be changed or cancelled and the May regular meeting would need to be changed. Chairman Knarr polled the Commission to see if there was any interest in changing the dates and none was expressed.

**MBPC Action:** After some additional discussion, DeWire made a motion to hold the Planning Commission Work Sessions on the third Monday of each month with the February Work Session being cancelled and to have the regular meetings held on the fourth Monday of the month with the May meeting being changed to the third Monday due to the holiday. Magaro seconded the motion, which passed with all in favor.

**9. COMMENTS FOR THE GOOD OF THE ORDER:**

Debbie Weidner expressed her frustration with the Commission based on this evening’s discussion. She added that they need to consider the costs to property owners, which not only included money, it included time. Chairman Knarr thanked Ms. Weidner for her comments.

Ciecierski referred back to agenda item 5B and stated that he had some properties that could be included in the project. Chairman Knarr asked for those locations. Ciecierski stated that the Shipley property behind Dairy Queen should be considered. He noted that it was not in the Borough, but stated that it impacts the Borough. Ciecierski also stated that both sides of the railroad tracks and the Gross property adjacent to the library should be included. Codes Officer Foster stated that he met with Mr. Gross about three weeks ago and they are planning to build on that site. Chairman Knarr stated that he was including the site northwest of the Church of God. Ms. Hammaker asked if the property located at 235 East Main Street could be included in this list. Chairman Knarr stated that he would provide this list to the County.

DeWire noted that people should yield to pedestrians in crosswalks.

**10. ADJOURNMENT:**

With no further business to be discussed, DeWire moved to adjourn the meeting at 7:37 p.m. Ciecierski seconded the motion, which passed with all in favor.