

ELIZABETHTOWN BOROUGH COUNCIL
CONDITIONAL USE HEARING
April 20, 2017
Minutes

A conditional use hearing was held before Elizabethtown Borough Council on Thursday, April 20, 2017 at 7:00 p.m. at the Borough Office for an application filed by Peach Alley Commons, LLC for property located at 448 South Market Street. The property is in the R-3 High Density Residential Zoning District, and the request is made pursuant to Chapter 27, Part 8, §805.A, "*Conditional Uses*."

Present were Councilmembers Phil Clark, J. Neil Ketchum, Jeff McCloud, Tom Shaud, and J. Marc Hershey. Dr. C. Dale Treese was absent. Also present were Manager Roni Ryan, Assistant Manager Cindy Foster, Community Development Director Rodney Horton, Public Works Director Wayne Devan, Police Chief Jack Mentzer, Mayor Chuck Mummert, and Borough Solicitor Josele Cleary.

Council President Hershey opened the hearing and turned the floor over to Cleary who explained the rules and addressed an administrative matter wherein Jon Sheppard of Peach Alley Commons, or his representatives, attempted to speak or spoke with several members of Council concerning this hearing. She noted that all members of Council have expressed confidence in being able to render a decision solely on the information presented tonight unless there was an objection by other individuals to certain Councilmembers participating due to bias. No objections were raised. She also clarified that this hearing pertains only to the property at 448 South Market; 502-504 South Market and 440 South Peach Alley are not under consideration at this time. Cleary then asked if there were any additional parties to the proceeding, to which there were none.

James H. Thomas, Esq. 28 Penn Square, Lancaster PA, on behalf of Peach Alley Square, discussed the variances in question and presented a handout of exhibits for review. Thomas then introduced and reviewed credentials of architect **James W. Rowe, AIA** 1 South Broad Street, Suite 117, Philadelphia PA.

Motion by Ketchum, second by McCloud, to recognize Rowe as an expert in his field. Motion carried unanimously.

Thomas/Rowe conducted an extensive overview of the exhibits noting the project will comply with all standards set by the Zoning Hearing Board while providing a safe environment for residents. Discussion ensued on sidewalk placement and impervious surface coverage requirements. Shaud expressed concerns with the sidewalk should one of the properties be sold at some future point. Horton questioned use of parking depicted at 440 South Peach Alley as well as the number of existing units at 448 South Market Street.

Being no further questions from the public, the property owner, **Jon Sheppard of Peach Alley Commons, LLC**, 243 Clark Road, Hershey PA, provided a history of the building noting that when he purchased the property he was told it had been four units for quite some time and stated this fact was confirmed by Horton in 2016. Sheppard stated that parking on Peach Alley would be for overflow and that tenants would be directed to park adjacent to the building. He reported that there are a total of 51 spaces available for a maximum of 40 tenants in the entire complex.

Sheppard went on to review the proposed layout for the four units at 448 South Market Street as well as square footage for each room as compared to requirements in the ordinance. He noted that the maximum occupancy for this property would be 20 (four units with five occupants each). Sheppard confirmed that access for emergency responders would be available and noted that a full-time manager would be onsite in the complex. He reported that he spoke with the president of Elizabethtown College who informed him that the College wishes to expand its graduate programs and is interested in housing for students when dorms are closed. Sheppard clarified that while the College cannot endorse or promote individual landlords or off-campus projects, he felt it would be favorable to this project.

Impervious coverage requirements were discussed at length. The addition of three feet of sidewalk at 448 South Market Street results in less impervious coverage than what exists at present, but it will still be above the 50% requirement in the ordinance.

Horton clarified that one sewer EDU is provided for this property and further, the Borough's residential rental unit program has always had the property listed as a single-family dwelling. Based on these facts, Horton stated he would not have told Sheppard the structure consisted of four units.

Horton noted that the proposed tenants will be college students and asked Sheppard what his plans are for handling nuisance issues and disruptive conduct. Sheppard stated he has rented properties for 27 years and is well aware of the three strikes rule for Borough rental properties. He confirmed that the police had recently been to 502 South Market and that he has evicted those tenants. Sheppard stated he is trying to reduce the impact on the neighborhood by attempting to contain tenant activity to the inner courtyard, by installing security cameras, and by having a full-time manager onsite.

Motion by Clark, second by Shaud, to accept exhibits A-1 through A-19 into the record. Motion carried unanimously.

Horton then made the following comments on behalf of the Borough:

- The Planning Commission reviewed this application on April 11th, prior to issuance of the Zoning Hearing Board decision on April 18th.
- 448 South Market is one unit as per the sewer EDU.
- The residential rental license for this property has indicated one unit since 2006.
- If the conditional use application is approved and if additional parking is required, 440 South Peach Alley is a separate lot in a separate zoning district and should not be allowed to be used to meet parking requirements for 448 South Market Street.

Cleary pointed out that there is a discrepancy between Exhibits A-4 and A-5 as no approval has been granted for the proposed parking depicted on A-4.

Caroline Lalvani, Community Relations Director for Elizabethtown College, clarified that while Sheppard did meet with College President Carl Strikwerda, the discussion was in generalities only. The College does not favor one landlord over another and would not specify that graduate students be preferred tenants. She stated that no formal agreement exists between the College and Sheppard indicating that Elizabethtown College students would rent these properties.

Motion by Ketchum, second by Clark, to close the record at 8:25 p.m. Motion carried unanimously.

Council then entered Executive Session returning at 8:35 p.m. whereupon Hershey noted that the application will be taken under advisement and a decision rendered within 45 days. In the interim, a quasi-judicial executive session will be held to deliberate the matter.