

June 10, 2008

Lower Paxton Township  
Planning Commission  
425 Prince Street  
Harrisburg, PA 17109

**RE: SWAN Testimony in Opposition to -  
“New Devonshire Subdivision, Martin L. Schoffstall  
Children’s Trust, et al”**

Dear Commissioners:

I am testifying on behalf of the Stray Wind Area Neighbors (SWAN). We are a coalition of Lower Paxton Township citizens and neighborhoods. The group was formed after the sale of Stray Winds Farm in the fall of 2005. We meet once a month on Monday evenings at the Epiphany Lutheran Church. The group’s representatives attend Board of Supervisors, Planning Commission, Parks and Recreation, Public Safety Committee, Authority Board, and Zoning Hearing Board meetings, publishes a newsletter and maintain a web site. We are committed to the following core goals:

- SWAN supports sensible development with adequate infrastructure.
- SWAN promotes safe communities through improved design for efficient management of traffic.
- SWAN promotes sound conservation for the Paxton Creek Watershed, surrounding wetlands and wildlife habitats.
- SWAN promotes natural assets to enhance the quality of life and provide environmental safeguards.

We believe in collaboration with developers and local government over confrontation, and have invested in the new social partnership sponsored by the Supervisors that will help Lower Paxton grow smart.

It's important to revisit some of the recent historic milestones associated with the New Devonshire Subdivision proposal, and recount and contextualize similar rezoning requests. On February 5, 2008, the Preliminary/Final Subdivision Plan #07-01, i.e., "New Devonshire Subdivision, Martin L. Schoffstall Children's Trust, et al" was discussed at the Board of Supervisors' Meeting.

This seven acre tract located south of Devonshire Road, north of Wilshire Road, and across Devonshire Road from Costco (zoned R-1) was to be subdivided into 10 lots for single family homes. The Planning Commission recommended approval of the subdivision at its December 2007 meeting, and the Supervisors approved the proposal by a 4-0 vote. (1)

On March 11, 2008, at a Board of Supervisors' Workshop meeting, two plans were submitted that appeared to request Spot Zoning.

A revised plan was presented by the Schoffstall Children's Trust for the property located on the south side of Devonshire Road. The revised plan requested a zoning change from Residential Retirement (R-R) to Institutional. Zoning Ordinance Section 319. R-R Residential-Retirement Development (RRD) 319 G.17 states:

The maximum overall density shall be 12 dwelling units per acre. Each 3 overnight beds that are not within a dwelling unit (such as nursing home and assisted living beds) shall be counted the same as one dwelling unit for the purposes of determining density.

R-R appears to allow several types of residential development including nursing homes, assisted living, and personal care, and as conditional uses - doctor's offices, and some stores and restaurants. IN allows everything R-R allows plus churches, colleges, hospitals, schools, etc. The surrounding properties are zoned R-1.

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1 A minor plan change was made relocating the storm water basin so that it is located on one lot instead of two. This placed the maintenance responsibility for the basin onto a single property owner and that responsibility will be included on the deed for that lot. A fence around the basin will not be required.

At the same Workshop, officers and representatives from the Benevolent and Protective Order of Elks (BPOE) presented a proposal for the re-zoning of approximately 60 acres of property at the Northeast corner of Parkway East and Linglestown Road. This property has been owned by the BPOE for 80 years. They were asking for a R-2 designation. The property is presently AR. Surrounding properties are R-1. BPOE was asked to look at alternative before invoking any expenses.

SWAN believes that a request of this magnitude, i.e., “New Devonshire Subdivision,” should have broad based communal support. In addition, we need to utilize consistent measurement tools for rezoning that are in harmony with the Comp Plan.

For example, on February 13, 2008 at the Planning Commission meeting, SWAN opposed a Rezoning Application presented by Laurel Ridge. This rezoning request involved a 51.38 acre tract located on the south side of Linglestown Road across from Forest Hills Drive. The tract is zoned R-2 Medium Density Residential, and the request was to change the zoning to R-3 or Medium High Density Residential.

This tract contains an apartment and townhouse development that was built around 1975, and consists of 187 units which was the first part of a two-phase project. The 2006 zoning provisions were changed so that apartments are precluded from the R-2 zone. Without a change to R-3, the second phase cannot contain apartments.

The new owner’s, Multi-Properties, stated that other apartment complexes in the township had been rezoned to R-3, and they wished to continue with a combination of apartments and townhouses as had been the original plan. Multi-Properties anticipated adding between 75 and 110 units in this second phase, and stated that being able to build some apartments would take less land and result in more available open space.

The Commissioners stated that they did not rezone this property because they wanted to control the density of new development on this site. The public expressed concern about additional housing units along Linglestown Road, traffic problems, and infrastructure challenges.

**The commission denied the request to rezone - consistent with the 2006 Comp Plan - and their continued concern to manage density and traffic in this area.**

In the intervening period, SWAN has met with the developer, a traffic plan has been submitted, and the project's manager has committed to open space, continued dialogue, and slope protections on the banks of the Paxton Creek. In any event, Multi-Properties may proceed with the project without including apartments in the plan.

We also testified against the proposed Rezoning Application by the Union Despot ("UD") Corporation as a step backward in both process and planning. That request was tabled at the Supervisors' meeting held on April 15, 2008 to allow time for the residents in the adjacent developments to pursue discussions with the developer. However, while we opposed the rezoning application, we believe that the request can be revisited after an engaged dialogue has occurred.

The UD request involved a large tract north of Linglestown Road. The large portion of the 150 plus acre tract is zoned Institutional (IN). The rezoning request involves 37 acres in the northern portion that would be rezoned from Agricultural Residential (AR) to Institutional, and 13 acres that would be rezoned from AR to Conservation (CO). The net gain; assuming the land is developable, was up to **350 units**.

On May 6, 2008, the Supervisors unanimously opposed Union Deposit's request and encouraged the developer to **explore residential zoning options**.

**The Comp Plan does not indicate a robust desire for extensive age restricted or saturated IN density.** Yet the New Devonshire Subdivision, project, along with Stray Winds (238 age restricted units), Colonial Village (131 age restricted units,) plus an abundant number of IN units available to Union Deposit (10 units per acre). The present proposal is in addition to the 814.72 acres (or 4.5% of the Township's land use distribution) that was zoned Institutional as of 2002.

**If traffic and density are valid concerns on Linglestown Road, those concerns should certainly be applied to IN rezoning on Devonshire Road.**

This type of density request, in the shadow of a DEP consent order, limited EDUs, possible EPA remediation bill, storm water and I&E challenges, and sewer reconstruction, must have widespread support from the folks who live near the development as well as tax payers who may have to pay for the additional infrastructure.

Rezoning the New Devonshire Subdivision to IN appears to be inconsistent with the intent of the Comp Plan as described under "Institutional Campus," Implementation, 4-2.

Permit institutional development (civic and social service uses; business campus as conditional) with open space amenities that connect to/benefit adjacent campus sites and neighborhoods, e.g. greenways.

We need to balance the needs of local neighborhoods, taxpayers, and the developer. Lets take a step back, review where we are, and settle on the initial rezoning request.

Respectfully submitted,

Eric Epstein, Chairman  
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