

MEMO

TO: Camp Hill Planning Commission

FROM: Chris Miller, Codes Enforcement Officer

RE: Consolidated Properties Preliminary/Final Land Development Plan
Zoning Questions

DATE: August 19, 2019; Amended August 29, 2019

Issues identified on the Consolidated Properties Preliminary/Final Land Development Plan for Chick-fil-A dated December 4, 2018, last revised July 26, 2019 (“Plan”)

1. Designation of front, rear and side yards
 - a. Front yards are identified along Chestnut St and 32nd St with the rear yard to the east and the side yard to the south. The rear and side yards are based on 32nd St being the street of address. ZO § 202, Definitions, “Rear Lot Line”; “Lot, Corner.” (“...rear lot line shall be the lot line opposite the lot line along the street of address”). A request was made and I am waiting for the County GIS to make a final determination. If the request for a 32nd St address is approved by county GIS then the Plan will meet the Zoning Ordinance.

2. Setbacks for side and rear yards
 - a. Developer is claiming that the eastern alley is a right-of-way that will not be part of the ultimate lot and, thus, not subject to zoning. Accordingly, based on the definition of “lot line” (ZO §202), the lot lines of the ultimate lot should coincide with the right-of-way lines for both the eastern alley (and southern alley, if that right-of-way is to remain).
 - b. If the north/south or eastern alley is considered a street or a new right-of-way, then a rear yard setback must be measured from the western edge of the new right-of-way in the CG District. The rear yard setback would be 30 ft. ZO Table 5-3.
 - c. If the east/west or southern alley is considered a street then a side yard setback must be measured from the northern edge of the boundaries of the street. The side yard setback would be 12 ft. ZO Table 5-3.
 - d. Per the Zoning Ordinance, setbacks are measured from right-of-way lines. The Plan currently does not show any setbacks from the right-of-way line for the eastern alley (or southern alley if that is to remain a formal right of way).

3. Conformity of Streets

- a. SALDO § 301 defines “Alley” as a “minor way, which may or may not be legally dedicated, and is used primarily for vehicular **service access** to the rear or side of properties abutting the street.” (emphasis supplied) (ZO § 202 contains the same definition). Here the proposed “alley R.O.W.” (ie. the expanded north/south or eastern alley) will provide the only access from the property to the abutting street, not simply service access. Accordingly, the proposed “alley R.O.W.” does not qualify as an “alley” and should be considered either a street (if it is not part of the lot) or a driveway (if it is to be part of the lot).
- b. If the north/south alley or eastern alley is a “street,” the east/west or southern alley (referred to in the Plan as an “access easement”) would also be considered a “street,” under this definition. ZO §202, Definitions, “Street.”
- c. If the proposed “alley R.O.W” and “access easement” are streets, they must conform to SALDO § 502 including but not limited to Table I requirements for minor streets for industrial/commercial uses.
- d. The proposed “alley R.O.W.” and “access easement” provide unrestricted access to the lot along their entire lengths in violation of ZO § 902.D.
- e. The developer must enter an agreement with the Borough to maintain the private street to Borough standards in perpetuity. See SALDO § 501.1.H.
- f. The Plan depicts a mountable curb near the western edge of the “access easement” that provides access to S.R. 15. An HOP from PennDOT is required if the mountable curb remains or if access to S.R. 15 is otherwise not restricted. SALDO § 501.11.B.

4. Front Yard Setbacks on Chestnut St and 32nd St

- a. The Developer uses the abutting properties to the east on Chestnut St and to the south on 32nd St to determine the setbacks on Chestnut St and 32nd St. The provision for yard and setback alterations under ZO §732.B.1 applies “where the required front setback regulations for **the applicable zoning district** are greater than the actual distances that the existing buildings on abutting lots are setback from the street right-of-way.” (emphasis supplied). Said provision does not apply to the Plan because in both cases the abutting properties are in different zoning districts (LDR and HDRO) from the CG district for the development of the property.
- b. The front yard setbacks on Chestnut St and 32nd St must be 35 ft. ZO Table 5-3.

5. Commercial Use of Driveways

- a. If the expanded area of the north/south alley or the area of the east/west alley (the proposed “access easement”) are not part of an alley or street, then the zoning of the LDR/HDRO districts apply to the driveways within the LDR/HDRO districts.
- b. The proposed commercial use of driveways is prohibited because the traffic anticipated from the proposed use in the TIS is far greater in the number of trips for the proposed fast food restaurant during the peak hours than the uses in the LDR/HDRO districts.

6. Traffic Study

- a. The provisions of ZO § 731 related to required traffic study are applicable to the Plan.
- b. SALDO § 405.2.I, nor any other section of the SALDO, does not relieve the developer from complying with ZO § 731.
- c. SALDO § 405.2I is not objective, but a subjective, discretionary standard, that a TIS is not provided, and ZO § 731 applies.
- d. Where the provisions of the Zoning Ordinance impose greater restrictions than the SALDO, the provisions of the Zoning Ordinance shall be controlling. SALDO § 205.