

CUMBERLAND TOWNSHIP PLANNING COMMISSION
Meeting Minutes of March 9, 2023
1370 Fairfield Road, Gettysburg, PA 17325

Call to Order: The Meeting was called to order at 5:30 P.M. by Chairperson Steve Tallman.

Attendees: Chairperson Tallman, Vice-Chairperson Kenny Caudill, Members Barbara Underwood, Kirby Kiefer, and Theresa Finkenbinder; Solicitor Sam Wisner, Secretary Michele Long, Treasurer/Finance Director Camie Stouck-Phiel, Township Manager David Blocher and KPI Technology Representative Leah Heine.

Minutes of the February 9, 2023 Regular Meeting: ***Approved on a Finkenbinder/Kiefer motion; 5-0 vote.***

Public comments: Public comments were deferred and were welcome following presentation of agenda items.

Active Business: None

New Business:

BR Smith Properties Conditional Use Request: BR Smith Properties, is seeking a Conditional Use (motion requested) for a proposed campground in the Mixed Use (MX) zoning district as required per Section 27-602 of the Cumberland Township Zoning Ordinance. The property is located at 75 Cunningham Road; Parcel number 09E16-0006---000.

Brain Smith and his attorney Stacey MacNeal (Barley Snyder) were present to answer any questions about Conditional Use Request.

Wisner explained to the Commission that Conditional Use is a permitted use subject to certain criteria that may be set forth in the zoning ordinance. There are specific uses per the Township ordinance that have criteria that are unique to a particular use. An applicant for a Conditional Use must demonstrate that they meet any specific criteria as well as the general criteria within the zoning ordinance. If the applicant can satisfy both the specific and general criteria then the Board has to approve their use, absence of potential objectors that the use will have an impact greater than that type of use would practically have. Further, there are some general criteria that are set forth in the ordinance as well. The Board is tasked with looking at this general criteria; Wisner explained that the Planning Commission should also consider this criteria. Tallman added that the Commission has not received County comments about the Conditional Use request.

Wisner explained to the Commission, Applicant, and Applicant's attorney that unfortunately the Zoning Officer wasn't present at the meeting, but one of the questions posed by the Zoning Officer is trying to determine exactly what the use is. This site is a large site, with a lot of varied uses on the site, as set forth in the application. The application states that it is the applicant's intent to utilize the property as a resort with a hotel, restaurant, event space, and outdoor hospitality space and amenities, including a campground. Wisner explained that a campground is one of the uses, but there are many other uses of the site. Wisner spoke with the zoning officer and they feel that there would be a great benefit in sitting down with the applicant to discuss

how the uses will interrelate to one another. The zoning officer feels that this may fit within the “Theme/Amusement/Entertainment/Waterpark” use that is spelled out within our zoning ordinance. Wisner explained that determining the type of use has an impact on the standards that are applicable to that particular use. Wisner reminded the Commission that there is a provision in the subdivision ordinance that references setback standards for campgrounds. Therefore, depending on if the use is the “Theme/Amusement/Entertainment/Waterpark” use or the Campground Use, there may be different setbacks that are applicable that could impact the plan that has been presented to the Commission for review. Wisner once again mentioned that a Conditional Use application has to comply with the generally applicable criteria, which includes setbacks and parking. Wisner explained that the plan was missing how the parking needs meet the use and the supply, which is something that is always required for a Conditional Use. Wisner explained to the applicant that you can’t look at the site in the “vacuum” of the campground. The applicant must demonstrate that the site can accommodate the general parking requirements, at this point we don’t know the requirements for the restaurant use, the hotel use, and the campground use. The question posed is how will all these uses interrelate to one another? Wisner explained to the applicant that the plan that the Commission reviews and Board sees at a Conditional Use hearing should show compliance with all the generally applicable requirements. Wisner stated again, that is why there must be plan notes on the general items such as parking requirements; including how many parking spaces are available, buffering, setbacks, and steep slopes should be noted. The detailed stormwater design and grading is in the land development phase. Again, the general zoning items must be satisfied. Ms. MacNeal, the applicant’s attorney, stated that while they would much rather have the recommendation of the Commission, due to the time restraints with the application, they will likely move forward with the scheduled hearing on April 4, 2023.

Underwood/Kiefer tabled the Conditional Use Request based on missing requirements such as parking, buffering, and setbacks; Approved 5-0.

Public Comments: None

General:

Chairperson Tallman would like it noted that there was no Zoning Officer Report for the Commission to review.

There being no further business the meeting was adjourned at 6:16 P.M.

Approved on a Caudill/Kiefer motion; 5-0 vote.

Submitted by: _____ *Camie Stouck-Phiel, Treasurer*