

LOWER MACUNGIE TOWNSHIP PLANNING COMMISSION
REGULAR MEETING – June 13, 2023

The June 13, 2023 meeting of the Lower Macungie Township Planning Commission was called to order by Vice Chairman Jon Hammer at 6:03 p.m. in hybrid format. Commission members in attendance: Wesley Barrett, Ozias Moore and Martine Minninger. Also, present were Nathan Jones, Director of Planning and Community Development, Brian Cicak, Township Engineer, CKS Engineers, and Mark Fischer, Township Solicitor and Kim Molnar, Lower Macungie Township. Tom Beil was absent.

Announcements – Agenda modifications:

Meeting Minutes

Approval of May 9, 2023 minutes, motion by Mr. Moore, second by Mr. Barrett, all in favor, motion approved.

Spring Creek Estates 2022 Preliminary/ Final Plan

Mr. Jones stated this is two residual lots from Spring Creek Estates Subdivision with a single entrance with internal loop road for eight townhomes on first lot and eight on second lot and will be rental units. Applicant to ensure will be pet friendly with dog run and pedestrian connectivity to Lower Macungie Road and community roads for shopping and dining options. There is very generous landscaping and buffering plan. Plantings in stormwater area should be naturalized. Amount of parking should be adequate with use of garages and guest parking included on both sites. No parking signs will be posted on surrounding residential streets. Turn radius is tight but fire apparatus does maneuver in both sites.

Mr. Cicak stated applicant has addressed landscaping and stormwater management. Parking is a concern and suggested to provide five more parking spaces on the one lot.

Applicant will take consideration to maximize parking and asking for waiver for geo technical reports.

Motion made by Mr. Barrett and second by Mr. Moore, all in favor, to recommend approval of the Spring Creek Estates 2022 Subdivision and Land Development conditioned upon the following:

1. The Applicant shall address all comments in the most recent Township Planning Department, Zoning Officer and Township Engineer review letters to the written satisfaction of each prior to plan recording.
2. The Applicant shall construct the development in strict conformity with this recommended plan and any other additional modifications noted in the recommendation.

3. A trail system shall be constructed as shown on the plans and to the written satisfaction of the Township Community Development Department.
4. The Applicant shall preserve all existing tree lines and as many existing trees as possible on the site and install landscaping as shown on the plan and to the written satisfaction of the Township Community Development Department.
5. The Applicant shall provide written and documented proof of the legal right to discharge stormwater into the abutting township owned basins as proposed in the plan prior to plan recording to the written satisfaction of the Township Solicitor.
6. All stormwater basins and treatment areas shall be naturalized and include attractive flowering and three season interest plantings to be reviewed and approved in writing by the Township Community Development Department and Township Engineer prior to plan recording.
7. Buffers shall be designed on the final record plan prior to recording and installed as recommended by the Township Community Development Department.
8. All final landscaping, fencing and site amenities shall be reviewed and approved in writing by the Township Community Development Department prior to submission of plans for recording.
9. All on site landscaping per this plan shall be maintained and replaced, as needed, by the Applicant or their successors in perpetuity.
10. Dog run areas shall be installed as shown on the plans with adequate fencing and waste pick-up stations to be reviewed and approved in writing by the Township Community Development Department.
11. All final site architecture shall be reviewed and approved by the Township Community Development Department. Final renderings shall be submitted for approval in writing prior to Plan Recording.
 1. Further motion to recommend the following waivers:
 - a. A waiver from SALDO 22A-402 requiring the submission of Preliminary and Final Plans.
 - b. A waiver from SALDO 22A-403.5.A.(2), 22A-403.5.A.(3), and 22A-403.5.N, requiring geotechnical reporting.

801 N. Broad Street Mixed Use – Conditional Use

Mr. Jones stated this mixed use building is located at the end of N. Broad Street with the largest concern of inter connectivity to Hamilton Crossings and with Hamilton Crossings reluctant to allow connectivity from road access. Since site will be improved without connectivity, ensure to have tot lot, dog run, patio area and waste disposal. Also recommended full landscape buffer along neighboring homes.

Mr. Cicak stated concern with Broad Street improvements and if is sufficient for traffic. Also, concern of connection for stormwater management without easement to build a basin that will be addressed as a land development issue when arises.

Applicant stated they have reached out to Hamilton Crossing's attorney for pedestrian/vehicular connectivity and was denied. Broad Street will be widened and structural integrity addressed. Will not be improving entire road of Broad Street, only by property development as it is a low traffic generator.

Motion by Mr. Moore and second by Mr. Barrett, all in favor, to recommend approval of the 801 N. Broad Street / Prachi Development Conditional Use conditioned upon the following:

1. The Applicant shall address all comments in the most recent Township Planning Department, Zoning Officer and Township Engineer review letters to the written satisfaction of each.
2. The Applicant shall construct the proposed building in conformity with the elevations shown to the Planning Commission at their February 14th, 2023 regular meeting.
3. The Applicant shall plant a row of green giant arborvitae in addition to the proposed privacy fence along the south property boundary line abutting the mobile home community.
4. The Applicant shall preserve all existing tree lines and as many existing trees as possible on the site. A list of trees to be felled shall be presented for review and written approval by the Township Engineer and Township Department of Community Development.
5. The Applicant shall provide proper stormwater discharge to an existing stormwater facility in Hamilton Crossings or elsewhere to be reviewed and approved in writing by the Township Engineer.
6. The Applicant shall improve North Broad Street to meet current Lower Macungie Township Road Design Standards along frontage where required legally and by ordinance. During the course of project construction, any damage anywhere along the

length of North Broad Street shall be repaired by the Applicant at their sole cost and meet the current Lower Macungie Township Road Design Standards.

7. The Applicant shall install a road sign stating: "Private Road No Thru Traffic" at the intersection of North Broad and New Street to prohibit traffic travelling onto New Street.
8. All final landscaping, fencing and site amenities shall be reviewed and approved in writing by the Township Community Development Department prior to submission of plans for recording.

Raising Cane's, Trexler Business Center Hamilton Boulevard

Mr. Jones stated there has now been a formal review by the engineer and applicant has received letter and comments. Street wall along will be along drive thru and next door was well at Wawa. Proposed monument sign and three season landscaping, walkway from Hamilton Blvd. to site. Rear of structure faces Hamilton so should have store front feel and provided new materials and see if they could get sign larger on Hamilton Blvd. Discussion for technical reviews for dumpster placement, parking conflicts and internal circulation and safety.

Mr. Cicak stated south side parking lot has quite a few conflicts including the drive aisle to Texas Roadhouse with striping that actually guides cars into site and seems like there are two different movements going on. Also, two drive aisles that also intersect at obscure angles creating potential conflicts. Need to look at dumpster location and parking overall and recommend shared parking with business center and parking requirements for use.

Applicant stated deliveries and pickups on site will not be done during business hours so there is no conflict with customers. Only change to provide access to Texas Roadhouse and Texas Roadhouse will make no changes to their property. Willing to meet with engineer to review issues with traffic flow and circulation. There are provisions for cross easements for parking on shopping center side.

Mr. Hammer stated that applicant needs to make sure access with Texas Roadhouse is not creating a dangerous situation with traffic flow and to look at overall design with township engineer. Take another look at dumpster, stop bars and traffic flows.

Motion by Mr. Barrett and second by Ms. Minninger, all in favor, to table action on the plan.

Lehigh Valley Town Center / Topgolf Conditional Use

Mr. Jones stated this is a conditional use for a mixed use development with continuous discussions with design team having urgent timeline for anchor, Topgolf, that will continue in joint fashion. Submission is complete and thorough with well done project elements. Jaindl Land Company will provide presentation tonight.

Mr. Cicak stated he would like clarification of phasing as specified on plan and to be involved for the planting/riparian buffer, requirements for DEP and applications and meeting with PennDOT.

Applicant stated regarding phasing, Topgolf will be phase one along with road improvements, basins, etc. Remaining phases will include retail, apartments, grocery, recreation and restaurant.

Applicant gave presentation on scope of project.

Applicant went through the many condition issues and requested approval.

Motion by Mr. Barrett and second by Ms. Minninger, all in favor, to recommend of the Conditional Use application for the proposed Lehigh Valley Town Center and Top Golf Project subject to the conditions as written in the recommendation of the Planning Commission presented at its June 13, 2023 meeting, with the Applicant's comments and objections to the conditions to be addressed before the Board of Commissioners:

Top Golf Conditions-

1. The hours of operation of the Mixed-Use Golf Driving Range shall be from 9:00 AM - 2:00 AM on Friday and Saturday and 9:00 AM to 12:00 AM on Sunday through Thursday.
2. The lighting standards for the Mixed-Use Golf Driving Range shall be as follows:
 - (A) Recreational lighting for a Mixed-Use Golf Driving Range is permitted a maximum mounting height of fifty-five (55) feet.
 - (B) Full cutoff fixtures shall not be required for lighting for a Mixed-Use Golf Driving Range and instead such lighting must comply with the remaining standards and specifications of Zoning Ordinance §27-1805.6M.
 - (C) A Mixed-Use Golf Driving Range may operate outdoor lighting until 2 hours after closing for maintenance as follows:
 - (i) Sunday through Thursday, a Mixed-Use Golf Driving Range shall cease fully illuminated outdoor lighting at 12:00 A.M. and outdoor lighting may be operated at dimmed levels until no later than 2:00 A.M for the sole purpose of maintenance.

- (ii) Friday through Saturday, a Mixed-Use Golf Driving Range shall cease fully illuminated outdoor lighting at 2:00 A.M. and outdoor lighting may be operated at dimmed levels until no later than 4:00 A.M. for the sole purpose of maintenance.
3. The final Mixed-Use Golf Driving Range building architecture shall match the rendering exhibit in the packet.
 4. The Mixed-Use Golf Driving Range shall provide outdoor seating and dining in addition to the golf bays and indoor facilities, as shown on the exhibit.
 5. Parking lot lighting shall be dark sky compliant per township ordinance.
 6. A Class C bermed buffer shall be installed separating the use from the abutting cemeteries on Cedarbrook Road, in accordance with the Lower Macungie Township Design Guidelines.
 7. The final site layout shall be designed as to not cause glare or direct lighting onto I-78 and SR 309 or in the direction of the County Cedarbrook Facilities or in the direction of the apartments located in between Schantz Road and SR 309 in neighboring South Whitehall Township.
 8. All parking shall be designed in conformity with the Lower Macungie Township Design Guidelines and Zoning Ordinance to include street walls, pedestrian crossings and paths, landscaped areas, etc. to the written satisfaction of the Township Department of Community Development.
 9. All landscaping shall include attractive three season interest plantings of perennials and annuals in addition to flowering shrubs and ornamental trees.
 10. All on-site landscaping shall be maintained and replaced as needed, in strict conformity with the approved land development plans by the Applicant or their successors in perpetuity.
 11. All roof and ground level HVAC, elevator and other machinery shall be shielded from view in a manner to be reviewed and approved by the Township Community Development Department.
 12. The use of mulch shall be minimized to the satisfaction of the Township Department of Community Development with the use of groundcover plantings or landscape grade stone instead, owing to concern and hazard from mulch fires.

13. Final site emergency access shall be reviewed and approved in writing by the Township Fire Marshal.

Lehigh Valley Town Center Mixed-Use Component Conditions-

1. The site shall be designed and constructed in strict conformity with the site layout shown and proposed in all plans and exhibits from this conditional use hearing. Any modification or derivation shall require a modification of the Conditional Use Approval to be approved by the Board of Commissioners.
2. All buildings shall have elevations in line with what is proposed in the submitted Project Design Companion document and utilize a mix of high-quality materials including brick, masonry, steel and the like to the written satisfaction of the Township Community Development Department.
3. All buildings shall include ornamental roof features or top tier façade accents and accent lighting to be reviewed and approved in writing by the Township Community Development Department. All roof and ground level HVAC, elevator and other machinery shall be shielded from view in a manner to be reviewed and approved in writing by the Township Community Development Department.
4. Roof dining, terraces, bars, public and private access spaces and the like shall be included in no less than 20% of the roof area of structures at the site.
5. All street lighting fixtures, ornamental lighting, benches, planters, arbors, pergolas, shade sails, umbrellas, etc. to be installed at the site shall be submitted in a detailed site design packet and shall be reviewed and approved in writing by the Township Community Development Department.
6. All landscaping shall include attractive 3 seasons plantings of perennials and annuals to be regularly maintained by the Applicant or their successors.
7. All on-site landscaping shall be maintained and replaced as needed, by the Applicant or their successors in strict conformity with the approved land development plans in perpetuity.
8. All on-site delivery areas and garbage/ refuse collection areas shall be shielded from public view as required and shown in the Lower Macungie Township Design Guidelines to the written satisfaction of the Community Development Department.

9. Internal streetscaping for the entirety of the site shall include enough sidewalk width for outdoor dining and gathering. All dining establishments shall include an al fresco dining component and the ability to open windows for open air dining.
10. The proposed public gathering spaces shall be included in the final constructed project and be maintained, programmed and preserved as public space by the Applicant or their successors in perpetuity.
11. The proposed parking deck shall be shielded from view using architectural, landscaping, artwork or other means to be reviewed and approved in writing by the Township Department of Community Development.
12. All parking lots shall be designed in conformity with the Lower Macungie Township Design Guidelines and Zoning Ordinance to include street walls, pedestrian crossings and paths, landscaped areas, etc. to the written satisfaction of the Township Department of Community Development.
13. The use of mulch throughout the site shall be minimized to the satisfaction of the Township Department of Community Development with the use of groundcover plantings or landscape grade stone instead, owing to concern and hazard from mulch fires.
14. Parking lot lighting shall be dark sky compliant per township ordinance.
15. All exterior business signs, décor, lighting, fencing and other appurtenances shall conform to the project design companion submitted by the applicant and to the written satisfaction of the Township Department of Community Development.
16. If the apartments will be pet-friendly facilities, a fenced dog park/ dog run shall be included on the site plan in common accessible space to be reviewed and approved in writing by the Township Department of Community of Development.
17. Final approval and commencement of construction of the mixed-use portion of the project/development must take place within 3 years of the Conditional Use Approval or the Conditional Use as it pertains to the mixed-use portion or this approval shall be null and void. All open building permits must remain active and in good standing with no expiration per the Pennsylvania Uniform Construction Code.

Overall Site & Development Conditions-

1. The Applicant shall obtain any and all permits required by PennDOT for transportation improvements needed for the project, as well as the cost of improvements, shall be at the

sole expense of the applicant. The Township shall be included in discussions with PennDOT regarding the design and extent of said improvements.

2. Transportation improvements beyond PennDOT approvals shall be approved by the appropriate entities and shall be at the sole expense of the applicant. The Township reserves the right to defer ownership and maintenance responsibilities of said improvements at its discretion.
3. The Applicant shall obtain Land Development approval from the Township for the project. Should the need arise to phase the land development and transportation improvements, separate land development applications shall be made. Phasing of the project shall be approved by Lower Macungie Township.
4. Design components for stormwater management features, particularly any work in or along the existing channel on the property, shall be closely coordinated with the Township prior to submission to PADEP and LCCD.
5. Approval from the affected property owner shall be obtained for the proposed emergency access prior to the Conditional Use hearing.
6. All stormwater design shall be reviewed and approved by the Township Engineer and Department of Community Development. All basins shall be naturalized per Township Ordinance and include attractive flowering and three-season interest plantings to be reviewed and approved in writing by the Township Engineer and Department of Community Development.
7. Stormwater basins shall not include buffer plantings around the perimeters to create harborage for wildlife or opportunities for spaces for dumping. Basins shall be designed to the standards of the Lower Macungie Township Design Guidelines and reviewed and reviewed and approved in writing by the Township Engineer and Department of Community Development.
8. The Cedar Creek headwaters and creek shall be restored and naturalized as required by the Lehigh County Conservation District and Lower Macungie Township.
9. The main boulevard that transects the site shall be designed with vegetated medians, street trees, lighting and seasonal décor and include access for both pedestrian and bicyclists.
10. Any new or replacement on-site or off-site required traffic signal masts shall be of the matte black ornamental variety to be reviewed and approved in writing by the Township Engineer and Department of Community Development.

11. All proposed crosswalks will be signed, well lit and in locations to be reviewed and approved by the Township Engineer.
12. Any required off-site improvements to Schantz Road, the bridge at Schantz Road, the 90 degree turn at Schantz Road, Hamilton Boulevard, Kressler Road, the Route I-78 Interchange, Route 222 or any other roadway, intersection or traffic signal shall be reviewed and approved in writing by the Township Engineer.
13. The site shall include a full walking path system for the use of on-site residents and site patrons that shall be reviewed and approved in writing by the Township Department of Community Development. A section of trail shall be included in the newly restored Cedar Creek area with access and views of the creek.
14. Any permanently wet basins at the site shall include lit water fountains for both aeration to discourage mosquitoes, algae, etc. and for ornamental display during both the day and night.
15. All fencing required around any stormwater basin shall be of a unified design scheme throughout the site and meet the standards of Township SALDO.
16. Illuminated monument signage for the site shall be included at the main entrance on Cedarbrook Road/ Rt. 222, at Schantz Road and along Route I-78, per township ordinance. The monument signs shall include masonry elements, attractive 3 season landscaping and shall be proposed in a full sign package to be reviewed and approved in writing by the Township Department of Community Development.
17. On-site wayfinding and directional signage shall be part of a unified design scheme and reviewed and approved in writing by the Township Department of Community Development.
18. The Applicant shall generate and propose an on-site addressing system for all buildings, suites and apartment residences to be reviewed and approved in writing by the Township Department of Community Development.
19. At the request of the Township Fire Department and/or Ambulance Corps, the Applicant shall work in good faith to provide space or an area for a substation to serve the site and its residents and businesses for health, safety and welfare purposes.
20. The Applicant shall provide for private monitoring and security at the site for health, safety and welfare of the development's residents and businesses. The 24-hour contact information of the private security company shall be provided to the Township, Fire Department, Ambulance Corps and Pennsylvania State Police.

21. All establishments serving alcohol anywhere on the entirety of the site shall comply with the Township Business Operations Ordinance #2020-02.
22. The hours of operation for all other businesses at the site will be proposed to the Board of Commissioners for review and approval when tenants are finalized.
23. The Applicant shall conform to the standards of Township Resolution 2019-23:
“Resolution in Support of Marketing and Branding Initiatives by Commercial Property Owners, Developers and Business Operators to Incorporate ‘Lower Macungie Township’ in Signage and Marketing Materials”.

Official Map Update

Mr. Jones stated there is no draft version this evening and it is still being worked on in conjunction with CKS and will have in July.

There being no further business, a motion was made by Mr. Moore and second by Mr. Barrett all in favor, the meeting was adjourned at 8:12 p.m.

Respectfully submitted,
Kim Molnar, HR/Finance Admin. Asst.
Lower Macungie Township