

Mount Joy Borough Planning Commission
February 8, 2017 Minutes



The February 8, 2017, Planning Commission meeting was called to order at 7:00 PM, by Chairperson Wendy Melhorn. Commissioners Sweigart, Miller, Rebman, and Deering were present. The Mount Joy Borough Zoning Officer, Stacie Gibbs was also present. Borough Manager Sam Sulkosky was also present.

MINUTES

On a motion by Rebman and a second by Deering, the January 11, 2017, minutes were approved. *Motion carried 5-0.*

PUBLIC COMMENT

Ned Sterling, 34 W. Main Street, advised that he missed the Borough Council meeting, and therefore may have some repetitive questions. He asked about 240 W. Main Street, the Old Shoe Factory requesting a change of use. Gibbs advised that they met with potential developers to discuss uses for the building, but they have not received anything. Sterling asked if the use was for apartments. Gibbs advised that the discussion was about apartments.

Ned Sterling, asked about the condition of 537 W. Main Street. Sterling advised that he imagines there are a variety of codes that need to be complied with. Gibbs advised the property still needs to be cleaned out. Gibbs advised that the new owner bought the property at Judicial Tax Sale. Gibbs advised that they are aware of all the structural and code issues. Sterling questioned if it has to be brought up to code. Gibbs advised it absolutely needs to be brought up to code.

Ned Sterling asked if there were any final decisions made with regards to the use for the Donsco vacant land. Gibbs advised they will be discussing this item under new business. Gibbs advised nothing has been received.

UPDATES The Planning Commission was provided a copy of the Zoning and Code Officer report by email.

OLD BUSINESS None.

NEW BUSINESS

The Planning Commission was provided with information on the current Zoning Ordinance as it relates to retail sales and medicines uses, and pharmaceutical manufacturing for possible action to amend the Zoning Ordinance. Gibbs advised that the Planning Commission was provided a detailed Memorandum. Gibbs advised that this subject is being brought forward because of the potential of medical manufacturing use(s) coming to the Borough. Gibbs advised that she and the Borough Manager had a telephone conference with the Borough Solicitor on this subject, and she is bringing this subject to the Commission for discussion and possible action.

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Sweigart advised that her only question is in regards to item number 18 on the Memorandum in which Borough staff is recommending that dispensaries be prohibited in the Neighborhood Commercial Zoning District. Sweigart would like to know why staff is recommending this. Gibbs advised that staff reviewed the Neighborhood Commercial Zoning District and its definition which basically provides for commercial uses that are compatible with existing or proposed residential uses. Gibbs advised that the Borough Solicitor suggested that the Borough could prohibit dispensary uses in this district and define dispensaries. Gibbs advised that dispensaries are currently not defined, and therefore considered a retail use, and permitted by right in any zoning district that currently allows retail uses. These retail uses must be treated the same as any other retail use. Gibbs advised that she provided the existing zoning map for the Commission to take a look at. Gibbs advised that the dark red areas are currently the Neighborhood Commercial Zoning District areas. Gibbs further advised that the lighter pink shade towards the eastern portion of the Borough is General Commercial, and the other shade of red encompasses the downtown and is considered the Commercial Business District. Gibbs advised that all 3 of these districts permit retail uses.

Sweigart advised that she came in early because she was not sure where exactly the Neighborhood Commercial was designated. Sweigart advised that she does not see any reason why a dispensary could not be considered a retail use in any one of these districts. Sweigart advised that if a CVS can go in these districts, then why can't a dispensary go there and sell a medically legal drug. Sweigart advised that she cannot see a reason why the zoning ordinance should be changed. Melhorn advised that because of the way our town is along the Main Street corridor, we are looking for businesses. Melhorn advised that perhaps we do not want tattoo parlors on every block, and perhaps tattoo parlors are already regulated. Melhorn advised that she shares Sweigart's opinion. Gibbs further advised after researching, that tattoo parlors are not a permitted by right use in the Neighborhood Commercial Zoning District, and they are permitted in the General Commercial only by Special Exception.

Miller advised that he does not believe there will be a large demand here. Miller advised that he can see Lancaster having a dispensary use. Sulkosky advised that we do not know if that will happen for sure. Sulkosky advised that the residential aspect in the Neighborhood Commercial District was the concern as it relates to this use. Gibbs advised that she had a discussion with the Main Street Manager regarding her thoughts on this use being permitted in the downtown. Gibbs advised that the manager did not seem to have any concerns because it is considered retail.

Gibbs questioned the Commission and whether or not if a medical marijuana manufacturing use comes to the vacant Donsco land, do they feel that will be an attraction for a dispensary to then come to the Borough. Miller advised that he does not see dispensaries being an attractive use coming to the Borough. Miller advised that with his work at the state level, people are fighting for permits, and this is a big business and he would welcome them because this would create jobs and tax revenue. Miller advised that he does not believe we need to necessarily restrict it yet. Miller asked what the cost would be to advertise and amend the Ordinance. Gibbs advised that she is still drafting other amendments for the accessory free structures, and could tie it all together. Gibbs advised the additional cost would be minimal. Gibbs further advised that the potential occupant for the land, even though the permit process is competitive are confident they will receive a permit for

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manufacturing. Gibbs advised that they have facilities in other states. Sulkosky advised that we have had no interest on dispensary uses, just manufacturing. Sulkosky advised that the dispensary uses will probably be looking for a more urban area. Sulkosky further advised that the proposed manufacturer advised that he is not looking to open up a dispensary use in the Borough. Sulkosky advised that this proposed manufacturer would be tied in with clinical research. Sulkosky also advised there is no guarantee they will receive the permit. Sulkosky advised that the potential company currently has a license in Connecticut and Colorado, and a license pending in Maryland.

Deering advised that he personally did not have any problem if a dispensary came to the Neighborhood Commercial. Miller advised that Council will probably discuss this topic on their own. Gibbs advised that Sulkosky will advise that the Planning Commission took no action.

Melhorn called for a motion to amend the Zoning Ordinance to prohibit dispensaries in the Neighborhood Commercial. *Motion was not moved, motion dies.*

On a motion by Sweigart, and a second by Deering, the Planning Commission meeting of February 8, 2017, was adjourned.

Respectfully Submitted,

Stacie Gibbs, Zoning Officer