

Mount Joy Borough Planning Commission
December 9, 2015 Minutes



The December 9, 2015 Planning Commission meeting was called to order at 7:00 PM, by Vice Chairperson Wendy Melhorn. Commissioners Rebman and Sweigart were present. The Mount Joy Borough Zoning Officer, Stacie Gibbs was also present and Brad Stewart, Community Planner was also present.

MINUTES

On a motion by Rebman and a second by Sweigart the November 11, 2015 minutes were approved with corrections. *Motion carried 3-0.*

PUBLIC COMMENT

Alfredo Rivera, Jr., 17 W. Main Street, Mount Joy, PA advised that he currently leases space in Ted Beck's building for his business which Mr. Beck is proposing to demolish in order to provide additional parking for his funeral home business. Mr. Rivera advised that he put approximately \$20,000.00 into his business and he is opposed to this building being demolished. Rivera further advised that he hopes the Borough would be opposed to this as well. Gibbs advised that no applications have been received for this proposal. Gibbs further advised that parking as a principal use in the Commercial Business District requires Special Exception approval. Mr. Rivera further advised that Mr. Beck already sold his building at 15 W. Main Street in preparation to propose to demolish his other building. Mr. Rivera advised that Mr. Beck has already received estimates and proposals for demolition. Wendy Melhorn advised that the Commission has received no applications and there is nothing before them regarding this. Melhorn further advised that if something were to come before them, it will be discussed during their regularly scheduled monthly public meetings.

Ned Sterling, 13 W. Main Street advised that something needs to be done to prevent parking lots on Main Street. Sterling advised that there is currently nothing in the Zoning Ordinance that prevents someone from applying for a demolition permit. Gibbs advised that a permit application requires the applicant to describe what they are proposing and what change of use, if any, they are proposing. Gibbs advised that should she receive an application regarding such a project, the permit will have to be in coordination with an application to the Zoning Hearing Board because the change in use requires Special Exception approval. Gibbs further advised that she is unsure how much information she should be discussing during a public meeting on something the Borough received no information on, or received no official application on.

Mr. Rivera further advised that one of Mr. Beck's tenants was also present to express her feelings against this project. Gloria Koser, 19 W. Main Street, Apt 1, Mount Joy advised that she does reside in Mr. Beck's building. Ms. Koser advised for the record that she would be against any type of demolition to such a nice building.

Kim Bair, 33 Penn Court Drive, Mount Joy, asked Gibbs to explain what would happen if she received a demolition permit. Gibbs advised that each particular application is different. Gibbs advised that there is also a demolition package that needs to be completed along with the demolition application. Gibbs advised that since this property is not listed as a historic property, there would be a review of the proposal which would contain the proposed use. Gibbs advised again, that since the proposed use requires a Special Exception she most likely would not issue the demolition permit for that reason, and require the applicant seek Special Exception approval prior to demolition. Bair then said what if the applicant just proposed to place grass there instead of parking. Gibbs advised again that she believes some of this discussion may be

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unethical because there is no application or information that the Borough has received on such a project. Gibbs advised that she would have to make determinations based off of the applications received, and perhaps consult with the Borough Solicitor.

UPDATES

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

Stacie Gibbs advised that Council appointed Josh Deering as a member to the Planning Commission at their December 7, 2015 meeting, and appointed Steve Gault as an alternate to the Planning Commission.

NEW BUSINESS

On a motion by Rebman and a second by Sweigart, the Planning Commission opened a Public Hearing in accordance with the requirements of Section 607 of the Pennsylvania Municipalities Planning Code for a new Zoning Ordinance. *Motion carried 3-0.*

Gene Newcomer, 255 Park Avenue, owns the business at 323 E. Main Street, which is an auto repair shop and he advised it has been there for a long time. Mr. Newcomer further advised that he does not understand why we are proposing to change the Zoning District from General Commercial to Neighborhood Commercial which would no longer permit his use by right. Melhorn advised that we are trying to update the Zoning Map in coordination with the Future Land Use Map. Gibbs advised that the Neighborhood Commercial District recognizes that there are a mixture of commercial uses mixed in with residential uses. Gibbs further advised that the commercial uses proposed to be allowed in the Neighborhood Commercial District are those that are not intrusive to the character of a Neighborhood that includes residential. By allowing certain uses by Special Exception, Gibbs advised that the Zoning Hearing Board will be able to hear applications on a case by case basis. Mr. Newcomer asked what a Special Exception is. Gibbs advised that for a Special Exception, the applicant would have to answer questions and provide testimony regarding the proposed business as it relates to potential external impacts, nuisances, odors, additional traffic, etc. Newcomer also asked if there was a reason why we were making these changes now. He said he remembers when we changed to the General Commercial which is what it is zoned now.

Mr. Newcomer asked if properties owners who would be affected by the change in zoning district were notified like the property owners who were going to be on the historic registry. Gibbs advised that they were not notified. Gibbs advised that the Borough Solicitor advised that the proposal to adopt a new ordinance does not require notification to each and every property owner affected. Gibbs advised that if these were just amendments, then each property owner would receive notification. Gibbs further advised that Council and the Planning Commission directed her to send notification to those property owners who were proposed to be on the historic registry. Mr. Newcomer advised that was not fair.

Gibbs advised that the Donegal Comprehensive Plan contains action items and goals, and also contains a future land use map. Gibbs advised one of the action items in the comprehensive plan was to revise existing zoning to be consistent with the map. Gibbs advised that she can read the description of the proposed Neighborhood Commercial District.

Neighborhood Commercial District is to provide for predominantly commercial and mixed uses that would be highly compatible with homes; to promote the adaptive reuse of historic buildings along portions

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of Main Street that are not within the Commercial Business District; to encourage commercial uses accessible by multiple modes of transportation; to promote uses that will provide a pedestrian orientation.

Gibbs further asked if the Commission and the public wanted her to read the description of the General Commercial District.

General Commercial District is to provide for larger-scale employment uses and a mix of commercial uses serving a regional level; to provide for commercial uses of all sizes; to provide for uses that are more auto-related than uses in the CBD and NC Districts.

James Heisey, owner of property located at 400 E. Main Street, Mount Joy, which is currently used for auto sales is currently in the General Commercial District. Mr. Heisey advised that his lot is next to Sassafras apartments and Advance Auto and not residential properties. He said rezoning those properties does not make sense. He questioned what would happen if he sold his business. Gibbs advised that his business would be grandfathered in and would become a legal nonconforming use. Mr. Newcomer asked what would happen if the new owner wanted to change the use. Gibbs advised that the use could be changed provided that it was permitted. If not, a Special Exception would be required. Mr. Heisey also advised that he is the owner of 311 E. Main Street which is residential, 313 E. Main Street which is a two-unit residential and 319 E. Main Street which is his used car sales business. Gibbs advised that there are approximately 9 existing residential properties on this block, and their façade makes up 90' of frontage on Main Street. Gibbs further advised that there are 2 existing commercial properties on the block and their façade also makes up 90 feet of frontage on E. Main Street.

Gibbs advised that she did receive a call from Doug Hummer regarding his property located at 410 E. Main Street being rezoned to Neighborhood Commercial. Gibbs informed Mr. Hummer that his property would be grandfathered in and become a nonconforming use. Mr. Hummer advised that he has no intentions on building any additions or selling at this time. Gibbs advised Mr. Hummer just wanted to make sure there were no requirements of him if this rezoning would take place. Gibbs advised that she informed him there were no new requirements.

Michael Melhorn, 612 W. Main Street advised that he also lives in a district that would be changed to Neighborhood Commercial and his business would be affected. Mr. Melhorn understands the reasoning and planning for it. Mr. Melhorn just wanted to make sure that uses that are permitted now would be permitted in the future. Gibbs suggested that the Commission go through the uses listed under the Neighborhood District in the Table of Uses.

The Commission recommended the following changes to the Table of Primarily Non-Residential Districts, specifically in the Neighborhood Commercial District.

- *Amusement arcade: changed from not permitted, to permitted by Special Exception.*
- *Auto repair garage or service station: changed from not permitted, to permitted by Special Exception.*
- *Auto, boat or mobile/manufactured home sales: changed from not permitted, to permitted by Special Exception.*
- *Beverage distributor, which may include retail and/or wholesale sales: changed from not permitted, to permitted by Special Exception.*

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- *Construction company or tradesperson's headquarters: changed from not permitted, to permitted by Special Exception.*
- *Laundromat: changed from not permitted, to permitted by right.*
- *Pawn shop: changed from not permitted, to permitted by Special Exception.*
- *Retail store (not including uses listed individually in the table): changed from Special Exception, to permit by right.*
- *Tavern, which may include a State-licensed micro-brewery or nightclub: changed from not permitted, to permitted by Special Exception.*

Ned Sterling questioned if the Commission received and reviewed his comments. Melhorn advised that the Commission received the comments. Sterling advised something needs to be done to prohibit off-street parking along Main Street. Sterling advised that Adamstown Borough prohibits demolition to create new off-street parking in their Commercial Business District that will require or result in the demolition of a principal building 50 years of age or older. Gibbs advised that she reviewed those comments from Emma Hamme with LCPC. Gibbs further advised that Adamstown Borough is the only municipality with those regulations. Brad Stewart asked Ned if he has ever been to Adamstown Borough. Stewart advised that Adamstown Borough is very unique. Stewart advised that everything is walkable. Stewart cautioned the Borough to be careful when comparing Mount Joy Borough to Adamstown Borough. Sterling advised that Mount Joy Borough could be the second. Gibbs advised again that Sterling should remember that if an application comes into the Borough to demolish a property in the Commercial Business District for off-street parking, it requires a Special Exception. Gibbs further reminded Sterling that if it were to go through the Zoning Hearing Board, it then has to go to the Planning Commission and Council for review and approval. Gibbs further advised Sterling that Main Street Mount Joy will also take a position on this type of project, if an application of this kind were to be received.

Rebman advised that we do not have a “crystal ball,” and that all the questions Sterling is asking are premature. Rebman advised that staff will continue to do their jobs, as well as the Zoning Hearing Board in the interest of the Borough.

Brad Stewart with LCPC advised that he understood Sterling's concerns. Stewart further advised that the Borough needs to be careful when placing such restrictions of this nature on a District. Stewart further advised that the Borough adopted an official map which included some parcels in the Commercial Business District for off-street parking. Sterling advised that they are not along Main Street. Gibbs advised that did not matter. Gibbs further advised that the point is that if these restrictions were to be placed on the Commercial Business District, it affects all properties within that district, including the properties that are not along Main Street, but within the Commercial Business District.

Gibbs furthered advised that the proposed new Zoning Ordinance, contains a new Section. This section Gibbs read as follows:

“Access Management. *Curb cuts and new driveways and access drives shall be limited on both sides of Main Street. In order to reduce the number of new curb cuts, driveways and access drives, applicants shall implement one of the following requirements:*

- *Provide vehicle access to parking areas from streets or alleys other than Main Street, such as from the rear of the property or the side street for a corner lot.*
- *Provide shared vehicular access between two or more adjoining land uses that make use of only one shared access drive onto Main Street. A shared access drive shall be located no*

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less than 200 feet from the nearest access drive or street intersection, measured from centerline to centerline.”



Gibbs advised that this section should restrict those wanting to create a new access off of Main Street or create shared access.

Gibbs advised that she received an email from John Coleman, owner of 53 W. Donegal Street. Gibbs further advised that email was forwarded to the Commission prior to the meeting. Gibbs advised that Mr. Coleman's property is proposed to be on the Mount Joy Borough Historic Registry, and Mr. Coleman is against his property being on the Registry and would like it removed. Gibbs advised the Commission can make that recommendation to remove the property, or recommend Council make that decision. Melhorn and Sweigart commented that Council should make that decision.

Albert and Nancy Newlin, 220 E. Main Street, Mount Joy, advised they received a packet in the mail advising them that their property is on the Mount Joy Historic Registry. Melhorn asked if they had any questions regarding the information. Mr. Newlin advised they were in favor of their property being on the Registry, but would like a little further explanation. Gibbs advised that the language in the Historic Resource section requires properties to get a conditional use from Borough Council if their property is proposed for demolition. Gibbs further advised that the proposed language does not regulate any alterations or renovations.

On a motion by Sweigart and a second by Rebman, the Commission closed the Public Hearing for a new Zoning Ordinance. *Motion carried 3-0.*

On a motion by Rebman and a second by Sweigart, the Commission recommended Council authorize the Solicitor to advertise a public hearing to take action on the new Zoning Ordinance with changes and Borough Solicitor comments, and send appropriate notices. *Motion carried 3-0.*

On a motion by Sweigart and a second by Rebman, the Commission approved to present the new Zoning Ordinance to Council with changes and Borough Solicitor comments, together with a recommendation that Council should enact a new Zoning Ordinance. *Motion carried 3-0.*

OLD BUSINESS

NONE

On a motion by Sweigart and a second by Rebman, the Planning Commission adjourned. *Motion carried 3-0.*

Respectfully Submitted,

Stacie Gibbs, Zoning Officer