

Mount Joy Borough Planning Commission

August 8, 2018 Minutes



The August 8, 2018, Planning Commission meeting was called to order at 7:00 PM, by Chairperson Wendy Melhorn. Commissioners Sweigart, Miller, Deering, Rebman and Gault were present. The Mount Joy Borough Zoning Officer, Stacie Gibbs and the Borough Manager, Samuel Sulkosky were present. Brad Stewart Community Planner was also present.

MINUTES

On a motion by Miller and a second by Deering, the May 9, 2018, minutes were approved. Motion carried 5-0.

PUBLIC COMMENT

Ned Sterling, 13 W. Main Street, asked if the Community Foundation By-Laws will be available to the public which was discussed in the Council meeting. Samuel Sulkosky, Borough Manager advised that should not be a problem. Sterling advised that the Community Foundation sounds like a good idea.

Tim Bradley, 930 Wood Street, advised that the Official Map was approved back in September 2013, and plays a critical role in several things. Bradley advised that one of thing it will play a critical role in is the Complete Streets Program as the booklet gets created. He also advised that the sidewalk issue has come before Council, and he believes that Council expressed at their last meeting that they are planning to try to address those issues mainly through the Public Works Committee. Bradley requested that the Official Map be placed on the next agenda for this body to discuss. Particularly to look at the map and make sure that the map still reflects the direction the community wants it to go in. Bradley thinks it is a good time to revisit at this point because it will play a key role in future planning. Melhorn advised that the Planning Commission reviews the Official Map each year, and she believes they already reviewed it. Deering advised he believed the Commission reviewed it in December 2017. Melhorn asked if he had something in mind that he was concerned about that is placed on the map. Bradley advised Council is going to start talking about a sidewalk policy and the main pieces on the Official Map are the pedestrian corridors. Bradley advised he would like the Commission to look at if there are pedestrian corridors where all might them and are the current pedestrian corridors on the Official Map where they should be. Bradley advised that he would like the Commission to look at these items because of the link between pedestrian corridors and the sidewalk policy and its potential connection to the Complete Streets Program and the Sidewalk Ordinance. Melhorn asked if Council has an issue with supporting the Sidewalk Policy. Bradley advised what has been brought up in meetings is that the current Ordinance is essentially a “blanket” Ordinance. Bradley advised in the Complete Streets Grant, there is terminology in there that states that the benefits of doing such a program is that particularly the pedestrian corridors and some of these other areas could be handled a little bit differently and perhaps get a little bit more focused in terms of development. Bradley further advised he sees the pedestrian corridors playing a critical role in whatever Ordinance is going to be created should Council decide to go away from a “blanket” Ordinance that says two sidewalks are required on every street. Bradley advised the Ordinance could contain information on what is expected if the streets are pedestrian corridors, and in non-pedestrian corridors there might be a series of criteria. Bradley feels the pedestrian corridors will play a critical role. Bradley intends to ask Council to look that these issues. Gault advised that we have an item on our agenda to discuss sidewalks. Gault advised the Commission can discuss Bradley’s request during that agenda item.

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UPDATES

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

OLD BUSINESS

Kyle Miller asked if we heard any new information from Laurel Harvest Labs. Sulkosky advised that he believes they are waiting for the Governor and the State Legislature to address the Court Order. Miller advised they did and it was passed. Gibbs advised they are working on submitting a new application. Sulkosky advised Laurel Harvest should have their application in by end of September. Gibbs advised that she has not heard if there were any new appeals on the new legislation. Gibbs advised she was told they were to be working on getting their new application in by the end of September. Sulkosky advised Borough Council granted them a 90-day extension. Gibbs advised the extension was granted to record the plan. Stewart asked if the application they had to resubmit was to the State. Gibbs said yes.

NEW BUSINESS

Sulkosky advised that the Mount Joy Train Station Transportation Safety Enhancement Project will include, 1) LED Street Lights from along Main Street from High Street to Manheim Street. This would involve 6 blocks, 2,200 feet and 83 street lights, 2) Placing 11 Lighted Crosswalk signals at locations on Main Street (State Route 230), Marietta Avenue (State Route 772), and 3) Placing three Red Rose Transit Bus Stop Shelters. The Planning Commission was provided with the 11-page scope of the project including the Exhibits.

On a motion by Rebman and a second by Miller, the Planning Commission authorized Wendy Melhorn, Chairperson to execute a letter of support for the Borough to apply for Multimodal Funding for the Mount Joy Train Station Transportation Safety Enhancement Project Phase 1. Motion carried 4-0. Josh Deering abstained.

The Planning Commission was provided with a Tiny Homes Planning Tool completed by the Lancaster County Planning Commission for discussion.

On a motion by Sweigart and a second by Miller, the Planning Commission recommended Council authorize the Solicitor and staff to draft amendments to the Zoning Ordinance to include regulations for Tiny Homes.

Gibbs advised that she did not receive any formal applications, but she had phone calls with people calling and asking if we allow tiny homes in our Borough. Gibbs advised that the Borough does not currently have specific regulations and would have to receive input from the Solicitor. Gibbs advised that the current zoning ordinance only allows a certain amount of minimum square footage for a house. Gibbs advised tiny homes would require the zoning ordinance to amend this section because tiny homes are much smaller than even that minimum square footage. Gibbs also advised she provided a copy of some news articles on tiny homes in the Planning Commission packets. Gault suggested Gibbs go through the checklist in the packet provided by LCPC and answer those

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questions which would help guide where there are gaps in the Zoning Ordinance and would show what we have now and what we don't have now.

Stewart advised that in terms of the existing regulations we should understand that the MPC requires we have regulations specifically for them. He advised it is very important to add some language for them. Gibbs asked if Stewart saw tiny homes being allowed on a lot as a principal use or a second principal use. Gibbs advised this would become an issue in meeting water and sewer authority regulations. Gibbs advised the Authority does not allow connections from one house to another house. Gibbs advised she believes separate meters are required. Rebman confirmed that is correct. Stewart advised this is something that would need to be specified in the ordinance. Gibbs advised the Authority would have to discuss this.

Melhorn thought of it as an in-law quarter. Gibbs advised perhaps it could be looked at as an accessory use. Stewart advised that in Elizabethtown they are considered accessory dwelling units and they are served by public water and sewer. However, they do have certain regulations where they would require a separate meter.

Gault suggested Gibbs answer the questions provided in the LCPC Tiny Homes Planning Tool, and the Commission can revisit the discussion at the next meeting. Deering advised he would support the Commission making amendments to the ordinance to allow tiny homes. Deering advised that he would love to see improvements to the mobile home park behind Papa's Pizza. Sweigart's worry about having a community of tiny homes would saturate the market and not be attractive. Sweigart advised if someone had them on their property, they would take care of it. Sweigart worries about having clusters of them.

On a motion by Sweigart and a second by Miller, the Planning Commission withdrew the motion to recommend Council authorize the Solicitor and staff to draft amendments to the Zoning Ordinance to include regulations for Tiny Homes, to continue further discussions. Motion carried 5-0.

The Planning Commission was provided information on Air BnB's/Visitor House Rentals/Short-Term Rentals to facilitate discussion.

Gibbs advised there is an Air BnB website. Gibbs advised there is a property on W. Main Street that is on the website advertised as an Air BnB. Gibbs advised this property is not on the rental program. Gibbs advised if anything certain properties might need to be on the rental properties. Gibbs reminded the Commission they were also provided with other municipalities ordinances. Gibbs advised there is an ordinance that requires a lease to be no more than 30 days.

Miller asked how we regulate bed and breakfast uses. Gibbs advised there are separate regulations in the zoning ordinance for bed and breakfast uses.

Gault advised the he believes the difference is the owner is there at the same time. For short term rental, the owner is usually not present. Gibbs advised that not always us the case. Gibbs advised some are owner and are with just renting a room or a floor as a short-term rental. Gibbs advised if

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someone rents a room to someone, it is not regulated under the rental program. Miller advised there would need to be regulations specific to this class of rentals, but not be too prohibitive.

Stewart advised they are currently working on a draft report for short term rental facilities. The draft would describe what they are. Stewart advised that if you wanted to include off-street parking as a requirement for this type of use, those are regulations you want to think about including. Melhorn advised you can't count on on-street parking being available for guests, so she would recommend off-street parking being a requirement for short-term rentals.

Gault asked if anyone has ever gone to the beach and rented a house. Gault advised this seems to be the same thing. Gault also asked if this is considered hospitality or residential. When there are no services provided other than the use of the property. Gault advised no one would be cooking meals or coming in to change sheets in short term rentals. Melhorn advised a lot of times when you rent a place for a week, people show up in the middle of the week with new towels and to take out the trash. Melhorn advised there may be some services provided. Gault advised some may do that. Melhorn advised that is true and certain services can be offered.

Gibbs advised that for a property to be considered a rental under the Borough's current ordinance, it cannot be owner occupied. Gault asked what happens if he goes on vacation and rents his home for the week he is on vacation. Gault asked if he would have to have an inspection. Gibbs believes that would not trigger an inspection. Gibbs advised what would trigger her to believe or assume a property could possibly be a rental is if the owner's address is different than the property address. Gault advised then if someone rented their home for a week, they would not need to report it and have an inspection. Stewart advised what they are finding out is that sometimes things are reviewed on a case by case basis. Stewart advised that someone renting their house out one time annually would probably not be something that would be expected. Stewart advised that someone that is advertising their home for rent on a website on a continuous basis, could be subject to inspections and regulations.

Gibbs advised the property on W. Main Street that is advertising on Air BnB only rents a room and the owner still lives there. Gibbs advised technically she would not meet the proposed definition of an Air BnB because it is owner occupied even though she advertises on Air BnB. Deering advised she is just using technology to get advertising that she has a room for rent. Gault advised if someone is single and rents a room out to a coworker, would that be subject to the rental program. Gibbs advised that it would not be subject to the rental program because it is owner occupied. Gibbs advised so long as there are no more than 4 unrelated individuals residing in the home which is the definition of family and so long as it is owner occupied, it is not subject to the rental program. Miller believes this is why municipalities are banning them. Gibbs advised based on some of the definitions and regulations it would be difficult to "police" and regulate. Melhorn advised that she believes this is driven because of the loss of tax revenue. Gibbs advised the Commission does not have to make any recommendations. Stewart advised a lot of this is complaint based. Gibbs advised she has not received any complaints. Gibbs advised she has received calls from people asking if we have Air BnB regulations.

Stewart advised some of the questions to ask yourselves is what can staff handle. Stewart advised what he has seen has been mostly complaint based. Stewart advised whenever you are addressing these situations it could be on a case by case basis.

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Sweigart advised that she believes there is a difference between the home away concept and Air BnB. She believes that the home away concept should be regulated because it is almost like someone is running a business. Sweigart further advised that if someone wants to rent a house for a weekend, she believes Gibbs should not have to keep running out and inspect. Miller asked how one would regulate a separate dwelling like a barn that would be renovated. Gibbs advised there are properties like that in the Borough where there is a single-family home that is owner occupied and a separate structure that is rented. Miller advised this is what he believes we will see a lot of. Gibbs advised these properties would be regulated under the rental program. Gibbs advised if there is an owner-occupied property and the owner advertises a room for rent on the Air BnB website, it would not be regulated under the rental program and do we really want to start regulating something like that? Gibbs asked the Commission if they wanted to take any action. Gibbs advised that she can keep track if any complaints come in and report them to the Commission. Gault advised he feels the Borough does not need to adopt any regulations at this time. Stewart advised we should look at our definitions as it relates to family and transient occupant.

No action was taken on this item.

The Planning Commission was provided with a copy of the current curb and sidewalk ordinance to discuss. Rebman advised that there is no problem with the Borough's curb and sidewalk ordinance. Rebman said we want people to be able to walk around the town. Rebman advised people don't walk up N. Angle Street because there are no sidewalks. Gault advised that there needs to be a place for pedestrian accommodation on every street and it can take different forms. Gault advised that if a street is wide and has a cul-de-sac that has very little traffic, it is probably fine to walk on the edge of the street. Especially if it is wide enough for parking and not many people park there, perhaps people are told the on-street parking is going to be removed if you do not install sidewalks. Gault advised that could be a trade-off that the parking lane will be removed, and it will become a pedestrian area and possibly paint a white line to separate it. Gault advised there are different ways to provide for it. Gault advised another option is to provide a paved trail next to the road that may not have curb and may not be built with concrete but provides a path. Gibbs advised she asked ARRO about having something like that and it was not recommended because having a pedestrian path that abuts a road with no separation could be dangerous. Gault advised it depends how much vehicle traffic there is.

Gault advised that it comes down to setting some quantitative criteria. Gault advised one of the criteria could be to look at the Borough as a whole, and place those roads requiring sidewalks and roads that require other types of pedestrian accommodations on the Official Map. Or, Gault advised, do we do it on a case by case basis when we are going to pave a road. Gault advised the speed sign that the Borough has can also be used. Gault believes it counts the number of vehicles going past. Gault said it could be placed out for a week.

Gault advised knowing the number of vehicles that travel on that road is important. How much risk is there to a pedestrian regardless of how many pedestrians there are that walk on the road now. Gibbs asked how that criteria is established and who is responsible for establishing that criteria. Gault advised he believes that is a Council policy decision to write into the Ordinance.

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Gibbs asked how the public works committee is determining when a street should be paved. Deering advised staff conducted an analysis on every street in the Borough on the conditions of the road and is working with the Authority.

Gault advised the road maintenance plan is based probably on the condition of the road and not the need for pedestrian accommodations. Sulkosky advised that the plan is judged on the road condition. Gault advised there is a section of the Ordinance that states that regardless if we plan to do a road or not, sidewalks are to be installed. Gault advised that everyone could be made to install sidewalk now regardless if their road is scheduled to be paved.

Deering advised that parents requested a bus stop be installed at the corner of Birchland Avenue and Orchard Road, but the school district denied that request because there are no sidewalks on Birchland Avenue. Deering advised that in 2000 when the Ordinance was written, a letter should have been sent to all property owners that informed them curb and sidewalks need to be installed. Deering advised this problem will resolve itself if the Ordinance is followed. Deering advised N. Plum Street just got done and the curbs and sidewalks look beautiful.

Deering advised that there was a motion that passed Council was to have sidewalks installed or repaired from Main Street to Hill Street mainly because it is shown on the Official Map as a pedestrian corridor. Deering further advised the motion stated that from Hill Street to Terrace Avenue is to install and repair curbs only, and from Terrace Avenue to Bruce Avenue, all with sidewalk deferments.

Gault advised providing a safe pedestrian way does not necessarily require a sidewalk. In the case of Angle Street, the road is too narrow to accommodate both cars and pedestrians safely at the same time. Gault advised it would depend on the width of the road. If you go on South Delta Street, it is super wide, hardly any off-street parking takes place, so it is pretty safe to walk on. Gault advised there is really no benefit in adding sidewalk on that road. Gault advised he would not walk on Angle Street because of the width of the road. Gault advised there is criteria, such as road width and volume of traffic. Gault advise the ordinance could contain criteria and provide for other options as a safe alternative. Gibbs advised there are parts of Angle Street that are proposed to be widened. Gault advised that it should be whatever the ordinance requires for road width requirements. Sulkosky advised that when a road gets redone, there should be some uniformity. Gault advised another option for criteria would be to consider what kind of foot traffic there will be. A low-density zoning district would have a low volume of foot traffic versus the foot traffic in the Commercial Business District.

On a motion by Rebman and a second by Miller, the Planning Commission stands behind the present Curb and Sidewalk Ordinance. Motion carried 4-1. Sweigart voted no.

On a motion by Rebman and a second by Miller, the Planning Commission meeting of August 8, 2018, was adjourned. Motion carried 6-0.

Respectfully Submitted,

Stacie Gibbs, Zoning, Code and Planning Administrator