

Mount Joy Borough Planning Commission Minutes

March 10, 2021



The March 10, 2021, Planning Commission meeting was called to order at 7:00 PM virtually via ZOOM by Chairperson Wendy Melhorn. Commissioners Sweigart, Deering, Miller, Rebman and Dohl were present. The Mount Joy Borough Zoning Officer, Stacie Gibbs and Brad Stewart, Community Planner with the Lancaster County Planning Commission were also present.

REORGANIZATION

The Planning Commission reviewed their By-Laws and Melhorn asked the Commission if they would consider changing the time of the meeting. The consensus was not to change the time of the meeting.

On a motion by Miller and a second by Deering, Wendy Sweigart was nominated and accepted the Vice Chairperson position. *Motion carried 5-0.*

On a motion by Miller and a second by Rebman, Wendy Melhorn was nominated and accepted the Chairperson position. *Motion carried 5-0.*

MINUTES

On a motion by Dohl and a second by Miller, the December 9, 2020, minutes were approved with corrections. *Motion carried 5-0. Sweigart abstained because she was not present at the December meeting.*

PUBLIC COMMENT

None.

UPDATES

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

Melhorn reminded Commission members to review the Active Transportation Guidebook and provide comments if any prior to the upcoming public meeting.

OLD BUSINESS

None.

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NEW BUSINESS

The Planning Commission received and reviewed a Petition to Amend the Mount Joy Borough Zoning Ordinance and Map submitted by F2B Holdings LLC, located at 860 Milton Grove Rd, Mount Joy, and Shawn and Jill Erb, 221 W. Henry Street, Mount Joy, to change the zoning classification of a tract of land containing 5.29 acres located at 202 Fairview Street, Mount Joy, and to change the zoning classification of a tract of land containing 0.503 acres located at 104 Fairview Street Rear, Mount Joy from Conservation Zoning District to Commercial Business Zoning District.

Mike Davis with Barley Snyder was present on behalf of the applicants and advised F2B Holdings is the equitable owner of 202 Fairview Street by Agreement of Sale dated November 23, 2020. The current owner is the Lions Club of Mount Joy, Inc and they joined in the petition and acknowledged their consent to the filing of the petition.

Davis advised the current use of the property is a public swimming pool. He advised the Erb property was included in this request by the suggestion of Borough Council. The current use of their property is for the interior storage of construction material and equipment. Davis reviewed the Conservation District definition in the Borough Zoning Ordinance. Davis advised they are requesting to change the zoning to Commercial Business District (CBD) and reviewed the purpose of that district.

Todd Smeigh with DC Gohn presented the zoning exhibit to the Commission. Smeigh advised the exhibit shows parcel 1 and parcel 2 which are the subjects of the rezoning. Smeigh advised the exhibit depicts the current zoning districts of the properties surrounding the subject properties.

Davis advised the applicant and Smeigh reviewed the Borough's Official Street Map and advised there was a concept put forth that indicates a road network built and an intersection created on W. Main Street. Smeigh advised he does not even believe this is feasible and he recommends Council review the map. Gibbs advised the Planning Commission will be reviewing the Official Map in the future.

Davis advised there is already Commercial District Zoning adjacent to the proposed subject tracts and would be compatible with the existing zoning. Davis wanted to walk through section 9 of the petition. Davis advised this would be a logical extension of the CBD zoning and consistent with the general character of the neighborhood. Davis advised it would be consistent with the Donegal Regional Comprehensive Plan and the County Places 2040 Comprehensive Plan. It furthers the goal for urban growth areas, will allow for the redevelopment and efficient use of land, it is consistent with making Boroughs central hubs for urban growth, and it achieves greater consistency in the pattern of development and zoning in the Borough. Davis advised in their opinion, this change would not be detrimental to the public health, safety, and welfare. Davis also pointed out the Borough Engineer took no exception with the zoning request.

Davis advised the Erb property use will not change with the rezoning. Scott Garber with F2B Holdings advised it is a family business. Garber advised they operate 3 local storage facilities and been in business for about 15 years and recently developed a small site in Elizabethtown and they have an RV site as well. Garber advised there is a big need for storage. Garber advised this

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would be a way for folks to get their things out of their driveway. Garber advised if this were rezoned to CBD, he sees part of the site to potential be put into something else that could be income generating for the Borough and continues to expand what the Borough has to offer. He sees this as a good fit.

Sweigart questioned if F2B already owns the Lions Club parcel. Garber advised they are under agreement with the contingency it would get rezoned. Sweigart asked Gibbs if Council is aware of this concept. Gibbs advised the process before an applicant goes through the entire process is, they must first get authorization from Council for the petition to move forward. Gibbs advised there was positive response and Gibbs believed the vote was 9-0 in favor of moving the Petition forward. Sweigart advised she can see the Conservation District as being a problem and not able to generate income. Sweigart wanted to know why not rezone to Neighborhood Commercial or Medium Density Residential. Davis advised a large portion surrounding the property is CBD and the proposed use is permitted by right. Melhorn advised the Medium Density behind this project will probably never get developed and is under a process to remove ground contaminations. Garber confirmed it would be a mix of indoor and outdoor storage. Garber advised the facilities they currently have are 100% indoor. Garber advised folks are willing to pay to have their RVs stored indoors. Garber advised there is a price gap and that is why they want to offer outdoor storage.

Davis informed the Commission there is an Environmental Covenant on the property that was filed on January 22, 2019 and part of the Covenant restricts this site of being used for residential.

Rebman had no questions and is good with the plan.

Miller advised Fairview Street is narrow and he has concerns about RVs making that turn to get to the site. Miller asked if this property is under the Borough's LERTA Ordinance. Miller also advised Mount Joy Borough is a Borough of barns. Everyone has a barn, and he finds it crazy folks are looking for storage and he is wondering storage is a permitted by right in the CBD when the purpose of the CBD is to promote compact, pedestrian-oriented activities in our downtown and to promote an appropriate mix of retail, service, office, etc. and to avoid auto oriented uses that would conflict with pedestrian orientation. Miller has a concern about having a primarily auto related business breaking up the Emerald Necklace and peoples' ability to go from Rotary Park up to Main Street. Garber advised they had a traffic study done at their Elizabethtown facility and they found that the traffic with storage is very minimal. Garber advised they looked at the access and he believes it is easier than it looks. The primary uses would be boats, campers, and a few large units. Gibbs advised the property is not on the LERTA. Gibbs advised LERTA will be on the Commissions next agenda for discussion because it is due to expire. If the Commission would like to add this property to the list, they can make that recommendation. Gibbs further advised the CBD permits self-storage use is permitted by right provided the use is a minimum of 200' from Main Street. Gibbs advised Scott Garber is aware of this condition. Garber advised that will not deter them from moving forward with this and will be able to comply with that condition. Miller hopes there will be infill that gets in there besides storage and believes there is opportunity to create something there to draw more folks to the area.

Deering asked if there would be any office established at the site. Garber advised they have not gotten that far and is aware there is an air vapor barrier that would need to be installed if that would be the case. They do not have a need for another office at this location but must look at this in more detail should the rezoning be favorable. Deering advised Council was in favor of rezoning

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because of two parks on either side of the property to keep this land in Conservation and the restrictions that come along with it they do not see it going anywhere. Deering advised as it relates to the connection between the two have obstacles because of the Norfolk Southern railway. Deering asked if there were any issues with the turning radius inside his property if there was a fence installed. Gibbs advised Erb received approvals to enclose his building under roof and expand in the front. Gibbs advised Erb intends to install a fence around his property and install a gate. Gibbs advised Erb does not intend to have outdoor storage so there would be no issues with internal movements. Gibbs advised Erb is part of this petition so there is no “spot” zoning left in this area. Gibbs advised Erb has not intention on doing outdoor storage and did not receive approvals for outdoor storage. Erb further advised he went along with the suggestions of the Borough to be a part of this rezoning, so it is left as a small parcel of Conservation. Erb advised he has no plans for outdoor storage. Erb advised all his equipment will be stored indoors. Deering asked if Garber had an idea of how many outdoor storage spots he may have. Deering also asked if he is aware there is another item on the agenda tonight that also has an outdoor storage use in the Borough and will that affect his proposal. Garber advised the other storage use does not affect his proposal. Garber advised they do not have it drawn out that well and at this point they can see 30 to 40 spaces on the impervious ground that is already existing. Garber believes even with the other storage use will still be a large need. Deering asked if Gibbs knew if the Blossomwood tract could take mitigation efforts so they can build on the land. Gibbs advised she is aware of litigation that was completed between UGI and the owner of the land but is not aware of what that includes as far as mitigation. Gibbs advised she agrees with Melhorn’s statements that the land will probably not be built for Blossomwood parcels.

Dohl advised as it stands now, many in the community miss the pool as it was. Dohl knows that any use for a pool or indoor pool or something was tossed around a lot and that if this gets rezoned those uses will go away. Dohl advised he understands this is a business decision, but he disappointed to see the use for a pool go away.

Gibbs questioned if the Garber’s have an idea of how many buildings might go on the land and if they plan to reutilize the snack shop building. Gibbs also asked what their plans are with the pool and if they plan to remove it and regrade. Garber advised their goal is to move things along very quickly because of the lack of available storage. Garber advised they plan to use the existing building very quickly for indoor storage. Garber advised they have not discussed a plan for the removal of the pool. Garber advised a lot of those details are too early to determine. Garber advised they see this going in steps especially because of the environmental covenant. He said the first plan would be to renovate the existing building and the impervious surface for outdoor storage. Garber does understand the significance of the pool and it is important to them. They did ask what it looks like to turn the pool around and financially it would not work. Garber advised he cannot speak to future buildings it would depend on the demand.

Garber advised they will not allow junk vehicles, vehicles that are not running, not inspected or anything of that nature. Garber advised the vehicles must be insured to be stored on the property whether indoor or outdoor. Garber advised they monitor their facilities and are very hands-on. Garber advised they will use the property as is for now and will meet any zoning requirements as far as buffer and landscaping requirements. Garber advised they do not allow any vehicle maintenance or anything of that nature and is for dead storage only. They do not allow wood working or the playing of any instruments inside the storage facility. Garber does see some type of outdoor security as a fence or something in the future. He advised their facility in Elizabethtown fully fenced in.

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Brad Stewart with LCPC advised this item is on their March 22, 2021 agenda and he highly suggested the applicant have representation at this meeting.

Dohl advised he is aware that there are different clubs in that area like Rainbows End and folks using Rotary Park that parked in the Lions Club lot with their permission.

On a motion by Miller and a second by Sweigart, the Planning Commission recommended Council authorize the Borough Solicitor to advertise and send notices for a Petition to Amend the Mount Joy Borough Zoning Ordinance and Map submitted by F2B Holdings LLC, located at 860 Milton Grove Rd, Mount Joy, and Shawn and Jill Erb, 221 W. Henry Street, Mount Joy, to change the zoning classification of a tract of land containing 5.29 acres located at 202 Fairview Street, Mount Joy, and to change the zoning classification of a tract of land containing 0.503 acres located at 104 Fairview Street Rear, Mount Joy from Conservation Zoning District to Commercial Business Zoning District, and recommended Borough Council approve the Petition to Amend the Mount Joy Borough Zoning Ordinance and Map conditioned upon Borough Solicitor and Borough Engineer comments being satisfied. *Motion carried 5-0.*

David Keener, PE, G.D. Keener, LLC, on behalf of his clients, Michael & Wendy Melhorn, 612 W. Main St., Mount Joy, presented a Stormwater Management Plan to construct an outdoor storage lot and one infiltration basin at 200 S. Plum St., Mount Joy, PA. Wendy Melhorn recused herself. Keener advised the existing conditions plan depicts the property in the Light Industrial Zoning District. Keener advised the previous buildings were demolished and the existing shed will be relocated. Keener advised at the south end of the lot will be the infiltration basin and handle the run-off from the proposed impervious area. The circles represent the turning movements for 54' tractor trailers. Keener advised the plan is to have the storage on the eastern side of the lot with buffer yard on the east side to buffer from the residential area and the north side. Keener advised the conditions are listed on the plan that came out of the Zoning Hearing Board meeting. Keener advised they received comments from the Engineer has no issues and anticipates addressing them as part of the final plan.

Rebman advised he has no comments on the plan.

Deering asked if any of the neighboring residents saw the plan. Mike Melhorn advised the residents were notified about the ZHB meeting. Melhorn advised Reist and Fox Publishing came out to support the plan. He advised one of the other neighbors came and just wanted to make sure they were not being impacted. Gibbs wanted to remind the Commission this plan is for Stormwater Plan approval only and not Land Development. Keener advised the basin is to be 18" with the southwest corner being the low point. Keener advised there is a spillway designed as well. Keener advised the flows are very minimal because they are de-peak the run-off with this facility. Gibbs advised the outstanding comments were not of a design issue but more administrative. Keener advised the Stormwater Agreement has been drafted by the Solicitor and will be recorded as part of the plan. Deering mentioned Land Development planning coming later. Gibbs again reminded the Commission there is no buildings proposed and therefore no Land Development. Melhorn advised there is a 10' landscape buffer proposed at Peach Alley. Deering asked if everything coming off the stoned-in area will get captured in the basin and it will not go into the Borough's stormwater system.

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Keener advised they were required to reduce the flows so they do not what would be coming off the lot as it exists now and requirements for infiltration for water quality. Keener advised the testing showed good infiltration at the south end of the lot.

Miller and Dohl advised they do not have any questions.

Sweigart advised the lot is for the most part grass and under this plan it will not be paved but will be gravel. Melhorn advised the entrance will be macadam and once entrance is achieved there will be stone.

On a motion by Miller and a second by Rebman, the Planning Commission recommended Borough Council approve the Stormwater Management Plan for 200 S. Plum Street conditioned upon Solicitor and Engineer comments being addressed and a Stormwater Management Agreement being executed and recorded. *Motion carried 5-0. Wendy Melhorn recused herself.*

On a motion by Miller and a second by Sweigart, the Planning Commission meeting of March 10, 2021 was adjourned. *Motion carried 5-0.*

Respectfully Submitted,

Stacie Gibbs, Zoning, Code and Planning Administrator