

Mount Joy Borough Planning Commission Minutes

March 11, 2020



The March 11, 2020, Planning Commission meeting was called to order at 7:00 PM, by Chairperson Wendy Melhorn. Commissioners Deering, Miller, Rebman and Dohl were present. The Mount Joy Borough Zoning Officer, Stacie Gibbs and the Borough Manager, Samuel Sulkosky were present. Josele Cleary, Borough Solicitor was also present.

MINUTES

On a motion by Rebman and a second by Deering, the February 12, 2020, minutes were approved. *Motion carried 5-0.*

PUBLIC COMMENT

Ned Sterling, 13 W. Main Street, advised he had a question for the Borough Solicitor. Sulkosky advised that the public needs to direct their comments and questions to the Planning Commission. Sterling advised it is a zoning question about the conditional use portion of the zoning ordinance. Gibbs advised that Council approves conditional uses, not the Planning Commission. Sterling asked if the mediation option is available for a conditional use hearing under the Municipal Planning Code (MPC) under the subdivision section 908.1 that deals with mediation option. Melhorn advised the Commission does not know the answer to that and they would have to get back to him. Solicitor Cleary advised she represents the Borough not citizens of the Borough. Cleary advised it is up to the Borough how she responds. Cleary advised she could look up the MPC, but she does not have the mediation section memorized and does not know of any of her clients that have ever used that section and would have to look it up.

UPDATES

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

OLD BUSINESS

The Borough Solicitor, Josele Cleary, Esquire, was present to discuss and assist with answering questions from the Planning Commission regarding Tiny Homes. Cleary advised that she believes people are getting hung up on names. A tiny home is a dwelling unit. An apartment is an accessory dwelling unit. An apartment over a garage is an accessory dwelling unit. Cleary advised a tiny house is a detached dwelling that happens to be small. They both may or may not be placed on a permanent foundation and are different sizes.

The issue goes back to how many dwelling units does the Planning Commission want to recommend be allowed on a lot. If the Planning Commission wants to allow a single-family detached dwelling and a second dwelling unit on a lot, does the Planning Commission want to allow it in a separate structure. Cleary advised whether a garage is converted into a dwelling, or a structure is brought in and placed, or a stick-built structure. Cleary asked if the Planning Commission wishes to limit it by size and limit the relationship between the principal dwelling unit and the other dwelling unit. Melhorn asked if someone had a home with a big empty space in the back, the Borough could allow a tiny home or a small stick building if it meets the criteria. Cleary said the Borough would

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have to come up with the criteria. Some zoning districts allow single-family detached dwellings, and some allow other types of dwelling units. She advised off-street parking also should be considered as additional criteria for additional dwelling unit(s). Cleary further brought up the impervious surface coverage limits and how additional parking requirements could affect requirements. She further advised if you have two separate and distinct rental units on one lot 4 off-street parking spaces will be required. The Planning Commission needs to consider if they want to allow 2 dwelling units on a lot. If so, what is the minimum lot size. Cleary asked if the Planning Commission wishes to restrict it to relatives so there is some control. Cleary advised there are a lot of policy issues involved and the Planning Commission needs to determine what their goals are. Miller asked if allowing tiny homes as a principal use would be an issue. Cleary advised the Borough could allow a single-family home on a lot with no minimum size for a dwelling unit.

Dohl advised the goal is not to have a giant influx or people plopping second and third rentals on a lot for the sake of income. He likes the idea of keeping it within the family. Or a community member being able to add a second dwelling to have as a rental unit. Dohl likes the owner-occupied method. He understands there are already rental units where there are already second and third dwelling units. He advised replacing existing dwelling units would be fine. He believes having them as a primary residence would be bad. He advised if we decreased our minimum square footage, he believes there would not be a lot people doing that just because they can. It would be a good option for some but not for most.

Melhorn would like to see tiny homes replace old, run-down mobile homes in mobile home parks. Melhorn advised she went looking for existing areas that could use improvements and she saw potential area where the placement of tiny homes would work and would like to see an area where tiny homes are allowed.

Miller advised he does not believe it should be limited to family or relations. He believes it should be accessory and/or primary. He wants folks to be able to purchase a tiny home and have an agreement with a landowner to place the tiny home. Miller advised he is leaning to have a requirement to have it connected to sewer, water, and other utilities. Cleary advised it would almost have to be connected and she believes DEP would have an issue if it was not. Gibbs confirmed the Planning Commission would like the ordinance to allow for the replacement of existing structures with tiny homes at mobile home parks. Gibbs also made sure the Planning Commission wish is to recommend a tiny home be allowed as a second dwelling unit on a property.

Rebman is not inclined to agree to have another dwelling unit on an existing lot with an existing structure. But Rebman is in support of allowing tiny homes replace existing mobile homes in mobile home parks.

Deering advised he would like to see tiny homes incorporated somehow in the Borough. He would like to see them permitted to replace mobile homes that are in disrepair with tiny homes. He does not think it is in the best interest of our town to allow folks to place tiny homes on their lots that contain existing homes. He advised off-street parking would definitely have to be a requirement as well as a requirement to connect to water and sewer.

Gibbs advised the current minimum square footage of dwelling units in the Zoning Ordinance is 500 square feet. Clearly confirmed that is correct. Gibbs advised she understood the Commission was looking to possibly lower that number. Cleary advised that 500 square feet is for any dwelling unit. Deering would not be in favor of doing this Borough wide. He advised he would

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be in favor of allowing this in the Neighborhood Zoning District only. Gibbs asked the Commission if there was a consensus to limit it to just the Neighborhood Commercial District versus changing the overall square footage for dwellings in all districts. Gibbs advised the Planning Commission seemed to be on the same page about allowing the smaller dwelling unit to replace existing mobile homes. Sulkosky advised instead of eliminating the minimum dwelling unit, it could be reduced. Dohl advised he would be in favor of that. Gibbs advised the Building Code reduced the minimum size of a dwelling unit to 120 square feet within the 2015 Building Code to allow for smaller homes.

On a motion by Dohl and a second by Miller, the Planning Commission recommended Council authorize the Solicitor to draft amendments to allow for a decrease in the size of dwelling units in the Neighborhood Commercial Zoning District. The Commission recommended Council discuss what minimum square footage would be acceptable. The Planning Commission also recommended Council discuss and possibly consider allowing for amendments to the Zoning Ordinance for additional dwellings on a lot in the Neighborhood Commercial and possibly residential zoning districts. Motion carried 5-0.

NEW BUSINESS

Kurowski & Wilson, LLC (K&W), on behalf of their client Florin Hill Partnership, 1190 Dillerville Rd, Lancaster, PA 17601, owner of the Florin Hill Development, requested recommendations for approval to a Florin Hill Phase 1 & 2B Revised Subdivision Plan for Blocks F & M. Block F in Phase 1 was to be three (3) single-family dwellings and six (6) smaller cottage/bungalow units on a single lot. The Florin Hill Partnership proposed to replace the 6 cottage/bungalow units with five (5) single family dwellings. Block M in Phase 2B was to be seventeen (17) single-family detached cottage/bungalow units on a single lot. The Florin Hill Partnership proposed to replace the seventeen (17) cottage/bungalow units with ten (10) single-family dwellings.

The Florin Hill Partnership requested the Planning Commission consider recommending Council approve the Florin Hill Phase 1 & 2B Revised Subdivision Plan for Blocks F & M conditioned upon the Borough Solicitor, Borough Engineer and Borough Authority comments being addressed. And, conditioned upon an Amendment to the Storm Water Management Agreement and Declaration of Easement relating to the Phase 2B and Revised Phase 2A plan recorded at Document No. 5595832.

Tim Dewire with Kurowski & Wilson advised he is the Project Manager, and they are the site design consultant to Charter Homes. Anthony Faranda-Diedrich with Charter Homes was present at the meeting as well as Charles Courtney, Esquire for Charter Homes. Dewire advised Charter would like to replace the smaller, cottage bungalow units with single-family detached dwelling units. They would be going from 6 to 5 in Block F and from 17 to 10 in Block M. Dewire advised Block M would also include a mid-block alley to allow for garage and parking. Block F would also front on the existing Sagamore Hill and Canter Alley with garage parking.

Dewire advised there is a minimal amount of impervious coverage that would increase. Dewire advised for Block F there is a difference of about 2,000 sf and for Block M 5,500 sf of additional impervious. Dewire advised the overall impact is a de minimis increase and would not change the coefficient run off numbers from the previous numbers. Dewire advised they summarized all of that in their narrative.

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Deering advised this project has been sitting doing nothing for 12-15 years. Deering inquired why are they now trying to change to single-family dwellings versus the cottage/bungalow styles. Deering advised he would much rather see them come in with Phase 3 which proposes all single-family dwellings. Deering also questioned why Phase 3 is not progressing. Deering advised this is supposed to be a mixed-housing opportunity community. Anthony with Charter advised the reason for coming in with these changes started with a conversation with Stacie and Sam to kind of get these approved phases back on track and get these streets done and dedicated over to the Borough. Anthony advised in connection with those discussions they took another look at what was approved previously and while they would be in there doing the roads, they questioned whether these types of homes would best suit this neighborhood. Anthony advised on Block M they were originally planned as small bungalow style homes and from their perspective as a builder the small homes with garages are more marketable.

Deering advised he spoke with a few realtors who informed him that with today's market, they could see the cottage and bungalow style homes selling more quickly. Deering advised the information he received is there are currently 23 houses for sale in Florin Hill. Anthony advised it was a decision they made from a marketing perspective. Anthony advised these two blocks contained the only bungalow style homes in the community. Anthony advised there is a desire for integrated garages as opposed to parking cars on the street. Deering advised the main goal of this community is to create a higher density with a mix of housing types.

Rebman asked what triggers the traffic signal requirements. Gibbs advised they are required to submit a traffic study every other year. Gibbs advised she has been following up on that and they are current. Gibbs believes they are due to submit this September.

Miller advised he agrees with Deering that it is important that different types of affordable housing remain available in this community as it was originally designed for.

Melhorn asked how many commercial spaces are available for rent in the Florin Hill community. Anthony advised he would guess there is a fair amount that are not occupied but does not know the specific number. Melhorn asked what the reason is they are not occupied. Anthony advised it is not for lack of them trying to get tenants. Melhorn is disappointed in Florin Hill because it did not bring the commercial adversity or commercial opportunities for that specific community as it was presented so many years ago. Melhorn advised she is very cautious about recommending changes for certain things in the community. Melhorn advised if she had to drive on those roads in Florin Hill, she would not be a happy person. Melhorn advised those streets need to get done. Deering advised there has been no real development in Florin Hill for about 12 years. Deering advised Charter has other projects that are moving forward and have been completed in other municipalities. Deering advised he heard the number one reason why no one is leasing commercial spaces in Florin Hill is because of the cost for rent. Deering advised we want this to be a thriving partnership, but it has been a struggle for a decade.

Dohl advised he read through all the letters and comments and one thing that was addressed was lot size. He wanted to confirm that it went from individual lots to one big lot with 5 units on it. Dewire advised this is a planned unit community so when they first made the submission, they incorrectly identified them as fee simple lots and had to change them to comply with the conditional use decision.

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Sulkosky advised there are two facilities the narrative states this new impervious will drain too. Dewire advised there are two existing stormwater basins that are receiving drainage, and this was how the original development was designed. Dewire advised no water will be conveyed to the Borough basin off site. Dewire advised it will be collected through the Sagamore Hill conveyance and go to Basin 1. Dewire advised they will both be going to on-site facilities.

Gibbs advised Anthony related the reason for the revisions of these Blocks to the dedication discussions with the Borough. Gibbs advised Charter presented these revisions not in coordination with the dedication of the streets. Gibbs further clarified when these revisions were presented, it opened the door for the Borough to revisit past conversations regarding possible dedications.

Deering would like to know why they would not just leave these blocks as is and move forward with Phase 3 which includes all single-family homes. Deering advised he thinks this is removing a component of what this is supposed to be. Anthony advised from a developer perspective the neighborhood does offer a-number-of housing choices. Anthony advised they see smaller single-family homes with yards and garages are in demand.

The Planning Commission took no action and made no recommendations to Council on this revised plan.

On a motion by Miller and a second by Dohl, the Planning Commission meeting of March 11, 2020 was adjourned. *Motion carried 5-0.*

Respectfully Submitted,

Stacie Gibbs, Zoning, Code and Planning Administrator