



MOUNT JOY TOWNSHIP

• Lancaster County, Pennsylvania •

8853 Elizabethtown Road, Elizabethtown, PA 17022
717.367.8917 • 717.367.9208 fax
www.mtjoytwp.org

Minutes of a Special Meeting of the Mount Joy Township Planning Commission Held on December 4, 2023

1. Chairman Rodney Boll called the meeting to order at 7:00 p.m. in the Mount Joy Township Municipal Building located at 8853 Elizabethtown Road, Elizabethtown, PA 17022.
2. Pledge of Allegiance
3. Roll call of the Planning Commission Members:

Kevin Baker — Present
Rodney Boll — Present
Gerald Cole — Present
Michael McKinne — Present

Arlen Mummau — Present
Delmar Oberholtzer — Present
Bill Weik, Jr. — Present

Other Township Representatives Present: Justin Evans, Zoning Officer; Ryan Minnich, Township Manager; and Ben Craddock, Lancaster Civil Engineering (Township Engineer)

4. Public Comment:

Carol Hess, 210 Ridge Run Road, spoke in favor of leaving the current zoning in place for the Pennmark property under consideration for rezoning.

5. Consent Calendar:

- a. Approve and ratify the minutes of the October 23, 2023 meeting

A motion was made by Kevin Baker and seconded by Gerald Cole to approve the consent calendar. All members present voted in favor of the motion.

6. Old Business:

- a. Preliminary/Final Land Development Plan for Leon Rutt (#23-08-FLDP) – Proposal to construct a 15,000-sf. storage building accessory to Rutt's Machine Shop occupying the 13.213-acre site located at 300 Jonlyn Drive. The site is served by public water and an existing on-lot sewer system.

Eric Brinser of Rettew Associates was joined by landowner Leon Rutt to present the land development plan. Since their last appearance before the Commission, an updated plan was submitted and a fresh technical review provided. Mr. Brinser presented an additional waiver pertaining to the limiting zone depth. The alternative to meeting the 24" minimum distance between the stormwater BMP bottom and the limiting zone is to over-excavate bedrock and add amended soils to create the required separation distance.

Mr. McKinne asked Mr. Craddock if the 21 stormwater management comments in the latest technical review could reasonably be satisfied. He believed so, though the applicant would need to return to the Planning Commission if not. The applicant's proposed stormwater management facility is a walled basin approximately 5' deep using 2' x 2' x 6' concrete blocks. This will avoid extensive grading around the basin

perimeter that would exceed one acre of disturbed area for NPDES purposes. The basin would be expanded for the next phase of the project to develop behind the machine shop building. In the interim, the basin area will be fenced for security purposes with access to maintain the vegetated bottom.

Mr. Oberholtzer asked about the stability of the walls. Any failure would be repaired like any other retaining wall. The design was stamped by an engineer and will need to pass a building code review. Mr. Mummau asked where the inlet filters noted on the plans will be used. They are needed in the existing inlets near the road since the existing stormwater basin was not designed to pretreat stormwater.

A motion was made by Gerald Cole and seconded by Michael McKinne to grant a waiver of §113-31.L(1) regarding the 24" minimum depth between the stormwater BMP bottom and limiting zone, and grant approval of the Preliminary/Final Land Development Plan for Leon Rutt (the "Plan") prepared by Rettew Associates, Inc., Drawing No. 119162000, dated June 2, 2023, subject to the following conditions:

1. To the extent not otherwise provided in these conditions, Applicant shall address the comments of the Township Engineer's review letter dated November 29, 2023.
2. To the extent not otherwise provided in these conditions, Applicant shall address the comments of the Township Solicitor's review letters dated June 17, 2023 and September 23, 2023.
3. Applicant shall address and comply with all conditions contained in the Mount Joy Township Zoning Hearing Board (MJTZHB) decision dated April 5, 2023.
4. Applicant shall submit a fully executed Storm Water Management Agreement and Declaration of Easement, which shall be acceptable to the Township Solicitor and in recordable form. The Agreement, fully executed, shall be submitted and approved prior to the release of the final plan for recording.
5. Applicant shall submit a fully executed Deferred Improvements Agreement, which shall be acceptable to the Township Solicitor and in recordable form. The Agreement shall include, but not necessarily limited to, provisions for curb and sidewalk along Jonlyn Drive. The Agreement, fully executed, shall be submitted and approved prior to the release of the final plan for recording.
6. Applicant shall submit a fully executed Agreement Providing for Grant of Road Maintenance Easement to establish a snow stockpile easement, which shall be acceptable to the Township Solicitor and in recordable form. The Agreement, fully executed, shall be submitted and approved prior to the release of the final plan for recording.
7. Applicant shall submit a fully executed Developer's Letter-Agreement, which shall be acceptable to the Township Solicitor. Said Agreement shall be submitted and approved prior to the release of the final plan for recording.
8. Applicant shall submit financial security to guarantee the proper installation of all improvements associated with this land development project prior to the release of the final plan for recording and shall be in a form acceptable to the Township Solicitor. The amount of said financial security shall be in the amount consistent with the construction cost opinion approved by the Township Engineer.
9. Applicant shall pay Mount Joy Township a fee-in-lieu of having to prepare and submit a traffic impact study in the total dollar amount of \$22,500 (15,000 sf. @ \$1.50/sf.). Said payment shall occur prior to the release of the final plan for recording.
10. Applicant shall gain PA Uniform Construction Code approval of the proposed retaining wall intended for the new stormwater basin.
11. Applicant shall apply for and obtain all necessary permits prior to commencing any construction activities.

12. Applicant shall reimburse the Township for all reasonable engineering and legal fees incurred in the review of plans under the Subdivision and Land Development Ordinance, Storm Water Management Ordinance, and other governing ordinances; review or preparation of documentation required in connection with the development; review and approval of financial security and other documentation; inspection of improvements; and for other costs as set forth in these Conditions within 30 days after receipt of an invoice for such fees. If Applicant fails to pay such costs within 30 days after the date of a written invoice for such costs, Applicant shall be in violation of this Condition.

All members present voted in favor of the motion.

7. New Business:

- a. Proposed Amendment to the Zoning Ordinance by Elizabethtown Mount Joy Associates, L.P. / Pennmark Management Company – Proposal to rezone approximately 22 acres at the northeastern corner of Cloverleaf Road and West Main Street from C-1, Limited Commercial to C-2, General Commercial (Tax Account #461-00486-0-0000 & #461-82176-0-0000).

Attorney Dwight Yoder of Gibbel, Kraybill, and Hess was present with Brian Seidel of Seidel Planning & Design, Todd Smeigh of DC Gohn Associates, and Bob Sichelstiel and Justin Bartholomew of Pennmark Management Company. Attorney Yoder provided an overview of the proposal to rezone the parcel at the northeast corner of the Cloverleaf Road/Route 230 intersection from C-1 to C-2.

The parcel is located along a C-2 commercial corridor, lies within the Designated Growth Area, and can be served by public water and sewer with adequate road infrastructure to support development. Attorney Yoder referred to the intent statements of the C-1 & C-2 Districts, noting the inconsistency between the C-1 district and the context of this property. No agriculturally-zoned land is proposed to be rezoned, only the existing C-1 area.

If the rezoning is successful, the project will need to go through special exception approval with the Zoning Hearing Board. This is another step in the process to which reasonable conditions can be attached. It will then come back before the Planning Commission for land development approval.

Mr. McKinne asked whether traffic, noise, light, and air pollution impacts would increase under the C-2 zoning. The proposal will have to meet all Township standards for such. No greater impact from light. More traffic from increased intensity will be offset by more traffic impact fees to conduct improvements. Attorney Yoder also noted that there is no residential adjacent to the site. Mr. McKinne expressed concerns with the use of impact fees on state roads, funding from the state, and approvals for proposed improvements on state roads.

Mr. Boll asked how trips are calculated, to which Mr. Evans stated they are determined by using the ITE Trip Generation Manual for the proposed land uses. In this case, they are based on the square footage of buildings within the shopping center and the convenience store.

Mr. Mummau asked how the increased flexibility of the C-2 District will better the community. Attorney Yoder noted that the cohesive design and standards help attract different types of stores with various footprints and preconfigured designs. Fuel pumps are allowed for the Wawa store. Additionally, the roadway extension shown on the Official Map benefits the community by facilitating improved traffic flow.

Mr. Seidel provided a handout illustrating the subject property's context with local and county planning documents going back to the 2006 Lancaster County Comprehensive Plan. There was discussion about the Township's 2010 plan and subsequent rezonings to implement it. This property was not included in the rezonings. Mr. Cole provided some background on the site's downzoning in 2006 after the Wal-Mart proposal.

Mr. Seidel reiterated the property's location within the growth area served by public utilities and with access to appropriate roadway infrastructure. He spoke about the benefits of job creation, economic growth, and traffic impact fees in addition to the required PennDOT roadway improvements. Mr. Cole asked if PennDOT has weighed in on the proposed access points and the traffic study. Attorney Yoder noted it is important to know how much and what type of uses can be approved under C-2. However, the special exception process will flesh out the traffic details if rezoned. Strict compliance with the Township's ordinances is important in the design process since the granting of variances is doubtful.

Mr. McKinne asked Mr. Evans whether the comprehensive plan update will impact the property's zoning. Doubtful, since the regional plan identifies this corridor as commercial but does not differentiate between C-1 or C-2. A discussion took place about traffic, the use of impact fees, and the involvement of PennDOT in this process.

Thomas McKinne, 2366 Valley View Road, addressed the Commission as a member of the public. He stated that C-1 zoning would produce less activity at the intersection compared to C-2. Additionally, he warned the group about relying too much on PennDOT or other state agencies to deal with local infrastructure.

A motion was made by Gerald Cole and seconded by Arlen Mummau to table the issue until the December 20, 2023 meeting in order to receive the Lancaster County Planning Commission's comments. All members present voted in favor of the motion.

8. Initial View: NONE

9. Correspondence: NONE

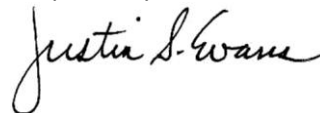
10. Other Business:

- a. Nominations for the Lancaster County Planning Commission – A short discussion took place regarding the LCPC's call for nominations to find candidates to represent the northwest region. John Yoder from West Donegal Township is currently the regional representative. Mr. Minnich expressed interest in the nomination, which should come from the Board of Supervisors.

11. The next regular meeting of the Mount Joy Township Planning Commission is scheduled to be held on **Wednesday, December 20, 2023** beginning at 7:00 P.M.

12. A motion was made by Gerald Cole and seconded by Bill Weik to adjourn the meeting at 9:25 p.m. All members present voted in favor of the motion.

Respectfully Submitted,

A handwritten signature in black ink that reads "Justin S. Evans". The signature is written in a cursive, flowing style.

Justin S. Evans, AICP
Zoning Officer