

**Mount Joy Borough
Planning Commission Meeting Minutes
7:00 pm, Thursday, May 13, 2010**

Chair Wendy Melhorn called the meeting to order at 7:00 P.M. with the following members in attendance: Steve Gault, Sue Sterling, Josh Bower and Deb Sagerer. Barnum Wahl, Borough Manager and Stacie Gibbs, Zoning Officer was present. Pat Kadel, Community Planner representing Lancaster County Planning Commission was also present.

The Commission welcomed Barnum Wahl, Borough Manager.

Approval of the Minutes

On a motion by Sterling and a second by Sagerer the April 8, 2010, meeting minutes were unanimously approved with corrections.

Public Input

Ned Sterling questioned the status of the Janus School Concept Plan for the tract of land owned by the Janus School and currently zoned Traditional Neighborhood. Melhorn advised that the Developer withdrew their proposal. Melhorn also advised that this was briefly discussed at the last Planning Commission meeting and the Commission had an idea regarding the possibility of using the land to erect a hotel. Melhorn also advised that she is not sure if the Commission members all agree about this use, but it was just mentioned. Gibbs is to follow-up with the Janus School regarding this idea. Melhorn advised that the future use of the land will need to be discussed as well as the zoning of the land. Kadel advised that when this was originally zoned, it was a large parcel of land. Then, the school was built right in the middle of it and finally a piece was sold for the erection of the Giant. Kadel advised that with the Comprehensive Plan underway and the existence of the Draft Future Land Use Map, now would be a good time to review certain vacant parcels to see if they are assigned the best land use. Gault provided a brief history of the Janus School Concept Plan.

Ned Sterling advised that now that we have a Borough Manager on board, he was wondering if the Planning Commission would consider making a request, resolution or a letter to the Public Works Committee to study the possibility to create a Shade Tree Commission. Sterling advised that the Shade Tree Commission would be more concerned with Main Street. Melhorn advised that she currently owns a property on Main Street and has dealt with the street trees; Melhorn would prefer not having the trees on the sidewalk. Sterling advised that these would be decisions that the Shade Tree Commission can make. Melhorn advised that she was under the impression that the Borough has regulations in place regarding the trees on Main Street. Bower advised that the issue right now is budgetary, and he is not sure if the Borough has the capability in purchasing more trees. Gibbs advised that the Borough had planned on purchasing and planting a number of trees, however it is her recollection that not all of those trees were or could be purchased because of budgetary issues. Sterling advised that he is asking that the Commission make a Motion to recommend that the Public Works Committee study the possible creation of a Shade Tree Commission. Gault advised that Sterling should provide some materials to the Commission and a discussion could take place at next months meeting. Sterling advised that he would do so. Wahl questioned if the Shade Tree Commission would control residents clear-cutting trees. Sterling advised that the Shade Tree Commission would regulate the Main Street corridor. Wahl questioned if there was anything in place regulating a resident taking down a tree on their property. Gene Oldham, advised that to his knowledge, if a resident takes a tree down there is no permit required. However, if the stump is proposed to be removed and there is a disturbance of the earth, then a permit is required.

Updates

Melhorn told Gibbs that she appreciates the packets and the updates that she has been providing to the Commission.

Gibbs advised that there was an article that indicated that a boil water advisory was in effect for the Mount Joy Borough Authority customers and that was incorrect. Gibbs advised that it was for 33 customers from North Barbara Street, from Pine Street to Manheim Street and east on Manheim Street, from Barbara Street to Lefever Road and those residents had been notified.

Gibbs advised that Barbara Raid with Historic York emailed her on May 11, 2010, and that they are still behind and the project is not finished. Raid apologized and will continue to work on it. Gibbs advised that the contract that was previously executed does not have a time frame. Gibbs advised that she will continue to provide status updates.

Gibbs advised that B & R Construction is tentatively starting curb and sidewalk construction on West Main Street on May 17, 2010, in the area of Turkey Hill and Fredrick and Emily's.

Old Business

None

New Business

Penn Court Mobile Home Park, 40 Penn Court, Mount Joy, PA is presenting a proposal for a Zoning Text Amendment to Section 402.A.25.m.(2).a) to allow for the accommodation of larger homes on existing lots in the park. Gene Oldham, DC Gohn, advised that Gary Gorski and his wife have assumed 2/3 ownership of Penn Court Mobile Home Park and the other part is owned by his aunt. He advised that Gary has started the process to clean up the park and is actively involved with the ownership of the park and that is how he realized that there are some empty lots in the park. Oldham advised that this is the only mobile home park that is actually zoned mobile home park.

Oldham advised that with the existing zoning regulations for mobile home park, one would need to have a custom built mobile home in order to place a new home in the lots and meet the current regulations. Oldham advised that they started to look at the regulations, specifically the section on existing mobile home parks. The regulations call for a replacement of a home with a 14 x 70. It does not appear anywhere in the zoning that a double-wide home is allowed. Oldham advised that a 14 x 70 is the old-style of a mobile home. What the industry calls a 14' wide mobile home is really a 13'2" mobile home.

Oldham advised that a 76' unit is the longest unit you can get. He advised that they go from 2-bedroom to 3-bedroom and depending on how it is laid out you can get 4-bedrooms. Oldham advised that they went out to the park and took a look at units 17, 18 and 19 and surveyed the lots using the original plans from 1976 which were in his office and showed what would happen if they would erect the largest mobile home on these lots. Oldham advised that this would show that it would extend into the existing 25' yard setback. Oldham advised that it is his guess, that with the aerial photography he provided of the other existing mobile home parks, that they do not have a 25' setback. Oldham advised that he also showed some proposed double-wide homes in the cul-de-sac area. He showed a 28' x 76' double-wide on unit 33. The ordinance advises that they still must maintain the 15' between the units and with the singles they will have 20 + feet in between the units.

Oldham advised that they did look at the possibility of requesting a variance. He stated that in some municipalities zoning variances have been granted for the entire mobile home park to allow this to happen. He advised that the Borough Solicitor noted in her letter that the zoning variances have a restrictive time frame and that every year they could be back in here requesting another variance. Oldham advised that according to the solicitor's letter, the setbacks can be no less than 20' with the change.

Gibbs advised that she provided a Memorandum to the Commission. Gibbs noted item number 6 in her Memorandum had language that was similar to what the Solicitor has suggested be added to the proposed text amendment. Gibbs advised that Council was previously concerned about the other mobile home parks and how this would affect them as it relates to the decrease in the setback. Gibbs advised that most of the other existing mobile home parks do not have much of a setback. Gibbs provided a copy of a permit application for the replacement of a mobile home at the location off of W. Main Street on Don Forry's property that showed an existing rear yard setback of only 12' to the existing automotive building. Gibbs stated that the 20' restrictive setback language that the Solicitor added to the amendment would prevent a larger unit in length to be placed in this park because the existing setback is already less than 20'. Therefore, they would not meet the requirements of the section on replacement but would have to request a variance.

Melhorn questioned how the applicant received a permit to replace their mobile home in that location then with only a 12' setback. Gibbs advised that they met the current requirements of replacing an existing home with the 14 x 70.

Oldham showed the Commission some aerial photographs of the existing mobile home parks which he said show how tight the homes are next to each other. Melhorn advised that he is correct because she had visited almost all of them before this meeting.

Gibbs advised that the definition of mobile home park is that "three or more homes" define a mobile home park. Gibbs advised that even though most of the other mobile home parks are not zoned mobile home park, they meet the definition because they contain 3 or more mobile homes.

Gibbs also advised that this amendment is to the existing mobile home parks. She advised that if a developer came in and proposed to create a new mobile home park, they would have to comply with all of the existing language in the ordinance for new mobile home parks.

Melhorn advised that the mobile home park on Clay Alley is extremely tight and that those mobile homes are in bad shape. Gibbs advised that because of how they exist, they would probably have no choice but to be replaced with the same size. Gibbs said this would obviously be costly.

Pat Kadel advised that the Solicitor's suggestion of the 20' setback would actually strengthen the language of the ordinance.

Bower advised that this would be an easy decision to make if it only pertained to the Penn Court Mobile Home Park but it would affect the other existing parks. Bower also advised that the way the ordinance is written it requires 15' between the walls of the units. Bower advised that some of the parks currently do not even meet this requirement. Gibbs advised that they would only be allowed to replace with the exact same size.

Gault stated that instead of amending the text that pertains to the use could we amend the text that pertains to the district so then it would apply to just this one park. Gibbs questioned if that would affect the definition of the mobile home park. Gibbs advised that if there is a mobile home park in a low density residential district because the definition does not fit the low density residential district it fits mobile home park. Oldham advised that it is almost like an overlay district on top of whatever the zoning is. Gault questioned the possibility of

creating a special definition that just applies to the mobile home park district which that district would have a different definition.

Gibbs advised that there is a definition for manufactured home park district which states “to meet state requirements to provide opportunities for manufactured/mobile home parks in addition to other housing types to make sure that these uses are compatible to other adjacent uses.” Gibbs advised that Penn Court was created so long ago that someone had to rezone the Penn Court Mobile Home Park to the Mobile Home Park District. Gibbs advised that someone would not be able to come in and replace a 12 x 60 with a 14 x 70.

Gibbs thought that maybe the Solicitor should amend the language to say “ except as is necessary to accommodate up to a maximum of a 16 x 76” so that way when the smaller mom and pops come in they can still replace the home and still reduce the setbacks. Gibbs advised that some of the mobile homes that are existing have much less than a 20’ setback. Gibbs advised that we would be restricting them as stated prior. Kadel advised that if there is a 12 x 60 sitting there now and they want to come in and put in a 14 x 70 they could do this even if it sits up against the fence as the language is right now. Kadel advised that by amending the ordinance, they would be able to put up to a 14 x 76 but, they would have to meet the 20’ setback language as suggested by the Solicitor. Kadel advised that they would either have to meet the 20’ setback or come in for a variance. Gibbs advised that is more restrictive.

Bower questioned that if Penn Court would replace all existing homes with 76’ long homes, would they all meet the 20’ setback. Oldham advised that the single homes would meet the newly proposed 20’ setback language, but the double-wide homes would not meet the requirement.

Oldham advised that a letter that was provided to the Commission from Heritage Homes advised that they have not installed a 14 x 70 since 2007.

Gibbs advised that if someone said they have a 10 x 20 and wanted to replace with a 10 x 20 they could because they would not be increasing any existing nonconformities, they would just be replacing with like.

Gault advised that the way that the Solicitor suggested the language to be amended actually protects the requirements.

Gibbs also advised that she provided a copy of the letter from ARRO Engineering regarding storm water at Penn Court Park. Gibbs advised that Darrell agreed with Oldham’s response in that eventually, if enough replacements take place, a storm water plan will have to be submitted once they reach that threshold. Gibbs advised that by keeping track on a separate spreadsheet of all permits issued to Penn Court Park for the replacement of homes, the threshold will be able to be tracked. Gibbs advised that she will have no problem keeping track of this. Oldham advised that 45 singles would have to be changed out before the threshold for a storm water plan would be met. He does not see this happening any time soon.

The Planning Commission unanimously recommended that Council approve the proposal for a Zoning Text Amendment to Section 402.A.25.m.(2).a) to allow for the accommodation of larger homes on existing lots with Borough Solicitor and Borough Engineer comments on a motion by Bower and a second by Sagerer.

A discussion took place on the proposed Mount Joy Borough line striping for the intersection of R772 and R230 which was not accepted by PennDot. Gault advised that he is still continuing to assist Borough staff with this project and that we are trying to get approval for just this one intersection. Gault advised that PennDot has requested a parking study and some other requirements that were not mentioned as a requirement for acceptance or approval in the beginning. Gault advised that he could modify the Traffic Signal Permit and Borough staff

will be taking parking counts in the areas where parking will be displaced. Kadel advised to forward her all information to date and she will discuss this with the Lancaster County Planning Commissions Transportation Planner. She advised that she cannot make any promises. Gault advised that PennDot did not say that this could not happen but this has been delayed and may not make it in prior to the Main Street paving project.

A discussion took place on the Donegal Comprehensive Plan Draft Vision Statement. Gibbs and Kadel took notes on new suggested corrections to provide to the consultants. The Draft Vision Statement will be part of the agenda for the upcoming public meeting on July 9th at the Donegal Springs Elementary School. Steve Gault and Ned Sterling, Steering Committee members, have previously submitted suggested corrections, revisions and changes.

Adjournment – The meeting was adjourned at 8:35 pm

The next Planning Commission meeting is scheduled for 7 pm, Thursday, June 10, 2010.

Respectfully Submitted,

Stacie Gibbs, Zoning Officer