

# Mount Joy Borough Planning Commission

## June 10, 2015 Minutes



The June 10, 2015 Planning Commission meeting was called to order at 7:00 PM, by Chairperson Josh Bower. Commissioners Gault, Rebman, Sweigart and Melhorn were present. The Mount Joy Borough Zoning Officer, Stacie Gibbs and Brad Stewart with the Lancaster County Planning Commission were also present.

### **MINUTES**

**On a motion by Rebman and a second by Gault, the May 13, 2015 minutes were approved with corrections. Motion carried 4-0.**

### **PUBLIC COMMENT**

Ned Sterling, 13 W. Main Street, questioned the Commission if they knew which section of the Zoning Ordinance they were going to review next. Gibbs advised that the Traditional Neighborhood section was next on the list and she plans to provide the Commission with that section at the next meeting for review. Gault confirmed that was the next section to be reviewed.

Ned Sterling questioned if UGI and PPL placed a dollar limit on the proposed project for the parking area and street extension at 223 W. Main Street, or are they willing to spend any amount of money. Bower advised that there was no indication of a dollar amount.

Ned Sterling advised, in regards to item 7A on the agenda that he is recommending that the furniture store on the corner of Barbara and Main Street be on the list for the LERTA Ordinance, as well as Vince Lombardo's building. Sterling also advised that he would recommend the length of exemption be for 10 years and not five years. Gibbs advised that Mr. Lombardo owns the property at 33-35 West Main Street.

Tim Bradley, 315 E. Main Street, Mount Joy, PA, advised that since a LERTA Ordinance would impact any improvements on a property, his personal opinion is that the birth of properties covered by this Ordinance in this should be as wide as possible to encourage enhancement of properties that already may be occupied to set Mount Joy Borough up in terms of the future of having real investment into properties. Mayor Bradley further advised that five or ten years down the road, we would have a lot of investment and then we would have some taxable properties and a good taxable base to grow it. Mayor Bradley further advised that it is obvious that we are limited in terms of our space, and in terms of the ability to grow. Therefore, we obviously have to maximize what we have as much as possible in terms of tax revenue and other things, and he believes this becomes a great incentive to ensure that happens.

### **UPDATES**

The Planning Commission was provided a copy of the Zoning and Code Officer report by email. Gibbs advised that she still has not heard back from the owner of 240 W. Main Street on a set date for demolition. Ned Sterling advised that his emails also went unanswered to access the building for photographs prior to demolition.

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### **OLD BUSINESS**

The Planning Commission discussed proposed amendments to Article VII Signs and Attachment 6 of the Zoning Ordinance as it specifically relates to prohibiting the use of human billboards.

**On a motion by Melhorn and a second by Gault, the Commission approved prohibiting human billboards in the Borough, unless it is for a nonprofit organization during the fundraising activity.**

***Motion carried 4-1, with Rebman voting no.***

### **NEW BUSINESS**

Bower advised that Council had a generic discussion regarding the LERTA at the last Council meeting. Bower advised that there were some questions asked relative to the timeline of the exemption and which properties should be included. Bower advised that Council requested the Planning Commission review the draft ordinance and provide recommendations. Mayor Bradley advised that the conversation has been positive, and there has been positive reception from the School Board.

Bower questioned if it was necessary to list properties in the ordinance. Gault advised that you have to define areas which are the properties. Gault advised that you could either define a boundary with some sort of description, or define specific properties. Gault advised that it is easier to define the properties. Gault advised that an example would be anything that is zoned Commercial Business District. Gault advised that from a logistic standpoint of view, it is probably best to list the properties so it is easy to look and say whether or not they are on the list.

Bower advised that he agrees with the Mayor to make this as broad as possible. Bower advised that we could always amend the ordinance to add properties. Gault advised that the way the ordinance is written now, it would be in effect for five (5) years. So, if someone wanted to be added onto the ordinance, and six years have gone by, they would not qualify. Gibbs advised that there is no definition for how long the exemption could be. Gault advised that five (5) years is a good time frame that way it can be reevaluated after five years and it could always be extended.

Melhorn questioned who decides what addresses are to be on the ordinance. Gibbs advised that she utilized Elizabethtown Borough and West Donegal Township's ordinances and drafted one for the Borough based on their ordinances, since their Borough Solicitor drafted those ordinances. Gibbs advised that the properties that were placed on the ordinance are based off of conversations that she had with Kim Brewer, Scott Hershey and the Mayor. Gibbs further advised that after more conversations, more properties should be added on. Gibbs also advised that two out of the three properties that Mr. Sterling recommended are already proposed to be added. The Commission can determine if they want to add the other one.

The Commission discussed the properties proposed on the ordinance. Gibbs advised that she agrees with the Mayor and Commissioner Bower that we should be broad with the list of properties. However, Gibbs advised that she felt as though it was not her duty alone to come up with a list of properties, but a list to start from. Melhorn asked if this is about improvement, or about bring business to the Borough. Gault advised that tax relief is only on improvements. Gault advised that right now, all properties currently have an assessed value and they pay taxes on that. The exemption that they would be receiving is the difference on taxes based off of the new assessment from doing improvements. Gault advised that the tax break can only apply to properties that are in the ordinance. Gault advised that we are looking at adopting an

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ordinance and listing properties where the ordinance should apply. Gault advised that taxes are going to continue to be paid on what they are currently paying. Gault explained the ten-year exempt breakdown by using an example.

Bower advised that the properties that go on the list should have to be determined to be deteriorated properties as defined in the ordinance. Gault advised that the definition does not say that. Gault advised that the Act and the ordinance define deteriorated property as, “any industrial, commercial or other business property owned by an individual, association or corporation, and located in a deteriorated area.” Gault advised that is what they are here to do tonight, which is to define the deteriorated area(s). Gault advised that a deteriorated area is defined by listing the properties as previously discussed.

Bower advised that it seems they would have to change the definition of deteriorated. Gault advised that you cannot change the definition because that is how it is defined in the act. Gault advised that the definition is broad enough that you can basically call anything deteriorated. Gault advised that West Donegal Township called a property that was wooded, deteriorated and now it has been redeveloped. Gault advised that you can call something deteriorated if it is not being used to its maximum potential.

Gault advised that before we get into which properties should be on there, we need to make sure we are all on board with the concept of the ordinance and what it is trying to accomplish. Gault advised that the general concept of providing tax breaks to encourage economic development in the Borough is an idea that we all support. Melhorn said yes. The Commissioners were all in support of the Ordinance.

Melhorn advised that we have the whole corridor on the ordinance. Gault questioned if we should take all the properties with a Main Street address. Rebman advised that seems like a lot of properties, and questioned if we could do that. Gault advised that we can. Gault advised that we can take everything from Gus’s to the creek. Gibbs advised that we should not cut it off at the creek because we have industrial districts out east that have the availability to build and/or make improvements. Rebman asked if Blossomwood should be on the list. Gibbs advised that Blossomwood is not on Main Street. Gibbs asked if the Commission is proposing to include residential properties. Gault advised that if it is zoned to allow commercial development it could be considered an industrial or commercial business opportunity. Rebman advised that there are probably a lot more properties that should be on the ordinance. Gault advised that if there is a residential use now in a commercial zoning, you would not necessarily want to apply a tax break to someone who wants to put an addition onto their house. Melhorn advised that the ordinance should apply if they wanted to improve it by adding a dog grooming business or something like that. Gault advised that it would be okay to include the residential properties along Main Street if the goal is to convert that residential use to a business. Gault advised that the definition of improvement should exclude anything of a residential nature. Gibbs advised that Melhorn is correct that if there is a residential property and the owner wants to change it to a mixed use and change it to a beauty salon. Gibbs advised that the City of Lancaster has residential in their LERTA. Gibbs advised that their incentive is different. Gault advised that there needs to be a balance and to decide if it is worth including the residential properties in commercial districts.

Gibbs questioned if she is to list each property on Main Street on the ordinance, or how do we want to do it. Gibbs advised that perhaps she can contact the GIS with the County to take one of the existing map and do some kind of overlay outline. Gault advised that to use GIS and extract the Main Street addresses and just cut and paste them into the ordinance. Tim Bradley asked if there is a benefit to creating different zones. Gault advised that Section 3 of the ordinance would cover anything that if the court should decide that a particular property should not have been in the ordinance, it would not affect the other properties on the ordinance.

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Gibbs asked the Commission if there are any other properties that they would recommend be in the ordinance. Gault recommended the New Standard building. Gibbs advised that would be 125 or 127 Pinkerton Road. Bower recommended Pat Moran's building. Gibbs advised that she believes that has a Mount Joy Street address. Gibbs also advised that Food Bank occupies the rear of the building. Bower advised that this would be a good building, and it is not too far off of Main Street. Rebman asked if this is the Rollman building. Bower advised that it is. Gault recommended the storage buildings. Gibbs questioned if he is referring to the ones down on Apple Tree Alley. Gault advised that is the property and it is owned by Shawn Moran. Bower also advised that would include the furniture building there on the corner. Gault also recommended the R & R building by the train station. Gibbs advised she believes that is a Delta Street address. Rebman recommended the Wilton Armetale buildings. Gibbs questioned if the Commission recommended that both buildings be on the ordinance. Gault questioned the property on Donegal Springs Road next to Century Link. Gibbs advised she believes that district is Commercial Office or General Commercial. Gibbs advised that Steve Johns is doing work there in two phases. The first phase was to establish his business and plant a buffer. The second phase is to add onto the commercial garage and demolish the residential. Gibbs advised that his building expansion has not been permitted yet. Tim Bradley questioned if the Commission would be interested in placing the old dairy on Union School Road on the ordinance. The Commission advised that is in a residential zoning district with a residential use. Gault recommended the warehouse by Rainbow's End. Gibbs advised she knows which property he is referring to. Rebman questioned the properties across Manheim Street on Ice Alley. Gibbs advised that is HVAC.

Ned Sterling questioned if the Commission is sure that the School District is going to be in favor of having all of these properties on the ordinance. Gault advised that they would still be getting the same tax revenue they are getting now. Gault further advised that if you go by the premise that these improvements would not have happened if it wasn't for this ordinance, then there is no net loss. It is just that your future revenue is slightly deferred. Gault advised that they are getting no breaks on the taxes they are currently paying. Gault advised that tax deferment is only if they make improvements, and only on the additional assessed value of the improvements.

Gault advised that technically speaking, each taxing entity could act separately. Gault advised that the Borough could exempt Borough properties. Gault further advised that therefore, the School District could say that they are on board for some and not for all of them.

Bower requested that on page 3 at the bottom that the word "Area" be removed from the Donegal School District language.

**On a motion by Gault and a second by Rebman, the Commission recommended Borough Council adopt the LERTA Ordinance and add the several additional properties as discussed as well as all Main Street properties, amend the language to the improvement definition to exempt residential improvements, and minor corrections to the ordinance. *Motion carried 5-0.***

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**On a motion by Rebman and a second by Gault, the Planning Commission adjourned. *Motion carried 5-0.***



Respectfully Submitted,

Stacie Gibbs, Zoning Officer