

# Mount Joy Borough Planning Commission

## July 8, 2015 Minutes



The July 8, 2015 Planning Commission meeting was called to order at 7:00 PM, by Chairperson Josh Bower. Commissioners Gault, 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 Sweigart and a second by Melhorn the June 10, 2015 minutes were approved with corrections. *Motion carried 4-0.***

### **PUBLIC COMMENT**

Ned Sterling, 13 W. Main Street, asked if the Commission will allow the public to review of the properties that are on the LERTA list. Bower advised that is under old business. Sterling wanted to know which properties were on the Ordinance. Gault advised that the Commission discussed each property to be on the list. Sterling asked how many exactly were on there. Gibbs advised that she did not actually list each specific property on East and West Main Street until Council finalized the list. Gibbs advised that she also was not able to cut and paste the properties from GIS as Gault said she could. Gibbs advised that she can share the draft list with Sterling if the Commission did not have an issue. Sweigart advised that she was reviewing the Act and it is her understanding that the Ordinance is very specific that improvements only relate to businesses and not residential. Melhorn advised that it was her understanding that the Borough's LERTA would include residential, if the improvements were to change the use to Commercial. Bower advised that we should continue this discussion under old business.

Kim Brewer, Main Street Manager, also advised that she has questions on the LERTA. She advised that she has not seen anything relative to the Ordinance. Brewer stated that one of the questions is if this Ordinance only applies to new owners taking on a property, or if it pertains to existing owners. Brewer also advised that she would like to know if residential properties qualify, and also to make sure that mixed use properties qualify.

### **UPDATES**

The Planning Commission was provided a copy of the Zoning and Code Officer report by email. Gibbs advised that she has been in communication with the owner of 240 W. Main Street and will advise once a time frame has been determined for demolition.

### **OLD BUSINESS**

The Planning Commission resumed discussions regarding the LERTA. Bower advised that he thought the conversation with Council went really well. Council is very excited about the concept. Bower advised that one of the things that did change was that they were looking at the developed properties versus the undeveloped property. Bower advised that the proposed Ordinance now has a 10 year exemption schedule for developed properties and a 5 year exemption period for undeveloped properties. Bower advised that there was no opposition from Council regarding the concept. Bower advised that he also did not really take exception to the list of properties. Bower advised that there were a couple more questions from

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Council that need to be addressed. Bower advised that one of the issues is regarding how to handle residential and mixed use buildings. Bower advised particularly when it comes to the Gerberich-Payne building. Bower advised that building may be commercial on the first floor and residential on the second floor. Bower advised that Council wants to make sure this building will not be exempt from the Ordinance if developed in this manner. Gibbs advised that at the last Planning Commission it is her interpretation that all of Main Street was included in the LERTA. Gibbs advised that the only thing that would be exempt would be for someone that owns a residential home and wants to do residential improvements. Gibbs advised that even though a residential property may be on the LERTA because they are located on Main Street, the only reason they are included is for someone to take advantage of converting a residential to all commercial, or a mixed use in the appropriate zoning districts.

Bower advised that Council did not feel sure enough if they understood the ordinance as it relates to improvements on residential and mixed use. Gibbs advised that she reviewed the LERTA for Lancaster City and they have separate definitions for mixed use improvements, residential improvements, etc. Gibbs asked the Commission if this is something they want to add to the Ordinance. Gibbs advised that people were pretty shocked that all of the properties on Main Street were proposed to be in the Ordinance. Gibbs advised that a deteriorated area, as mentioned in the City's Ordinance does not necessarily need to be a condemned property, but in an area that has an investment opportunity or it can be a property next to it. Brad Stewart with LCPC agreed with Gibbs interpretation. Gibbs advised that she believes we are losing focus. Bower advised that when looking at Main Street, the eligible areas would not just be in the corridor.

Bower advised that another question that came up was who would be the authority that approves the LERTA applications, and determines whether or not they meet the Ordinance requirements. Bower also advised that Council questioned whether or not a dollar amount should be set on improvements. Gibbs advised that residential would be completely exempted and not eligible for the LERTA if it was for just residential improvements. Gibbs advised, however, that residential properties on Main Street will still be on the list. Gibbs advised that it is her understanding that it starts at the Borough level, and a copy goes to the County and a copy goes to the School District. Sweigart advised that the Act states that a person needs to apply on a form in writing when they get their building permit. Sweigart advised that they get the building permit from the Borough. Gibbs advised that she pulled the form that the City is using and Columbia Borough should already have a form. Gault advised that the applicant is required to notify each taxing authority. Bower advised that Council did not want the applicant to have the ability to send it directly to the assessment office, which may or may not have the ability to evaluate the application on whether or not it met the Ordinance requirements. Bower advised that Council would prefer someone at the local level, whether it would be staff, planning commission or Council review the application prior to it going to the assessment office. Bower questioned how the assessor would know whether or not it meets the Ordinance requirements. Gibbs advised that the assessor cannot evaluate anything until the improvements are done. Gibbs advised that the assessment office will be able to determine if the new assessment is a low dollar amount, then it may not qualify. Gault advised that when someone gets a building permit, a copy of the permit goes to the assessment office. Gault advised that for small things, they do not reassess the value. Gault advised that when he redid his basement for \$10,000.00 the County did not change the assessed value of his property. Gault advised that the LERTA only applies to any increase in the assessed value. Gault advised that if the LERTA would not apply to the improvements, there would be no tax break.

Gibbs questioned the Commission as to whether or not they wanted to set a dollar amount on improvements in the LERTA. Gibbs advised that the City has a \$25,000.00 improvement starting value. Bower advised that it sounds like setting a dollar figure would work for some and not for others. Bower advised that we do not want to set a dollar figure if we are saying that the assessment office would not reassess a small project with a small value of improvements. Gault advised that he believes that it is easier

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not to address a dollar amount in the ordinance. Gault advised that you are only getting a tax break if your taxes go up. Gault further advised that if the assessment office doesn't change the assessment value of the property based on the improvements, your taxes do not go up anyway. Gault advised that when we talked about the residential piece, the Commission was not trying to be picky; we were just interpreting the law. Gault advised that if Council has a question on it, then they should go to the Solicitor about it.

Gault advised that instead of specifically stating that residential does not apply, it makes sense to just define deteriorated property as it is in the law, which says any industrial, commercial, or any other business property... Gibbs advised that if it is a mixed use building, it is considered a nonresidential use anyway. Gibbs advised this is how she explained it from the beginning. Gibbs advised that she believes that everyone wants to make sure that the properties that we know would like to take advantage of the LERTA are eligible. Gault advised that the Commission's intent is not to prohibit the Shoe Factory property from being developed as a mixed use. Gault advised that it is not necessary to place additional definitions in the Ordinance because Lancaster City's ordinance was adopted both under the LERTA Act and also Act 42 of 1977. Gault advised that might only apply to cities. Stewart also believes that is the case.

Gibbs advised that at the last Planning Commission meeting, a motion was made to amend the language of the improvement definition to exempt all residential improvements. Gibbs advised that the Administration and Finance Committee had a concern regarding the mixed use properties being included. Gault advised that the definition of deteriorated property that is in the ordinance is exactly the definition that is in the law.

**On a motion by Gault and a second by Sweigart, the Commission recommended the definition of deteriorated property in the Borough's LERTA Ordinance match the definition that is in the state law. Motion carried 4-0.**

Gault advised that the LERTA encourages people to reuse existing buildings first. Gibbs advised that the Ordinance can always be extended after the five year period expires. Gibbs advised that another question that came up was related to who tracks the tax relief. Gibbs thought the County would keep track. Bower advised that Council did not know for a fact if the County keeps track. Gault advised that he thinks that when the Borough sends the application to the County, the County will then have the schedule for taxes. Gibbs advised that she plans to make contact with the Assessment Office. Stewart advised that the County is pretty good with tracking this. Stewart advised that they have software for this. Gault advised that he believes the only thing the Borough needs to do when the application comes in, is to determine if the property is a deteriorated property under that definition, and is in the deteriorated area. Gibbs advised that the discussion got very involved at the Council meeting. Gault advised that if it is a deteriorated property, and there is an improvement, it qualifies. Gault advised that because the assessment office handles assessing anything, when you send a building permit to the County and attach the LERTA with it, if it does not get reassessed, then it is just ignored and there is no tax increase. Gibbs believes that was all the questions that were asked.

Gault advised that the definition of deteriorated property is going to match what is in the state law. Gault read that definition out loud from the Act. Gault further advised that the Commission got rid of the language regarding residential being exempt, since the state law does not specifically reference that. Therefore, Gault advised a mixed use property would be a business property, and therefore would be eligible. Gault advised that it is their understanding that small projects that get to the assessment office would normally not cause the property to be reassessed. So, for example, if someone does \$10,000.00 worth of work it probably will not get reassessed, and therefore, the taxes would not increase. Gault advised

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that the processing from the Borough's end would be just to determine if it is an industrial or commercial property, and to determine if it is in the deteriorated area. If both answers are yes, and it is on the list in the LERTA, then it would qualify. Gault advised that if it is an improvement that triggers a reassessment, then it qualifies.

Mayor Bradley, asked if a residential portion of a building are to be sold off as condominiums, would they not get the tax break. Gault advised that when they are separate residential condominium units, the owner of the land is still going to ultimately be some sort of an industrial, commercial or business entity. Gault advised the land and the shell of the building will still benefit. Gault advised the individual unit owners, may or may not be eligible. Gibbs requested Mayor Bradley forward that question to her in an email.

### **NEW BUSINESS**

Gault advised that instead of their being a specific district where a Traditional Neighborhood is the only thing that can be done, a property that is currently zoned Traditional Neighborhood would have a different classification, and then a Traditional Neighborhood could be a conditional use option in that district. Gault advised that it could potentially go different places, and the Commission could establish criteria if someone wanted to develop with that design. Gibbs advised that the property on Lefever Road which was previously zoned Traditional Neighborhood is proposed to be Medium Density Residential which is what the adjacent land is. Gault advised that part of Florin Hill would become Neighborhood Commercial along Main Street and the rest would be a residential zoning district. Gault advised that he believes that is what the Commission decided previously with amendments to the zoning map. Gault advised that he is pretty sure any land zoned Traditional Neighborhood was proposed to be changed to residential.

Gault advised that instead of their being a district where someone has to do a Traditional Neighborhood, it would be a design option within the other residential districts as a conditional use. Gault advised that if we want to change things we can. Gibbs questioned if this would go into the table of uses and under each residential district would contain a "C" for conditional use. Gibbs also questioned if there would then be specific criteria written into section 270-65 for principal uses. Gault advised that would be correct. Bower advised that the Commission recommended certain amendments to the zoning map based on the future land use map. Gault advised that the Commission previously received a copy of a marked-up zoning map. Gibbs advised that the proposed new zoning district entitled Neighborhood Commercial is based upon the Donegal Comprehensive Plan and the future land use map within that plan.

Stewart questioned why keep it as a conditional use instead of permitted by right use. Stewart advised that it is almost in a sense encourage developers not to actually take that option of the Traditional Neighborhood design. Gault advised that a conditional use goes to Council and Council can impose justified conditions on the approval. Melhorn advised that we are trying not to have another Florin Hill.

Gault advised that Traditional Neighborhood Zoning Districts don't really belong in Boroughs. A Borough by nature is one big Traditional Neighborhood because you have a mix of residential types. Gault advised that maybe what we need to do is talk about Florin Hill and say what works and what does not work, and maybe we look at Florin Hill and see what works. Gault advised we need to look at how can we learn from Florin Hill and take the good pieces. Stewart advised that maybe a Village Residential development would work. Stewart advised that having an existing commercial element to the Traditional Neighborhood Zoning District did not make sense since the Districts are so close to Main Street. Gault

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advised that the real goal should be to create neighborhoods which fit in with the rest of the Borough, and our architectural style. Gault advised that there are two ways to achieve the goals. You cannot impose architectural requirements on developers, so there has to be some type of fall back where they can develop something without the architectural standards. However, you can make an incentive so good they cannot walk away from the architectural piece. Maybe the incentive would be that they would get more density. Gault advised that there are ways to do it that would work. Gault advised that trying to mix uses is good, and a way to achieve the density is to allow the mix. Stewart advised that perhaps we suggest a percentage of a certain housing type. Gault requested Gibbs do a table of what the percentage of uses there was supposed to be for Florin Hill from the original approval. Gibbs advised that they did receive a lot of conditional uses along the way. Gault advised that it would be good to know what the original ordinance was. Gault also advised that it would be good to know what their final count is.

Stewart advised that he is a little confused by some of the language in the Traditional Neighborhood Ordinance, like the conditional use requirement to develop a master plan. Stewart advised that he definitely thinks there should be a master plan. Stewart advised that the master plan is not the issue it is the requirements to prove that you are developing a traditional neighborhood. Gault advised that he believes that our ordinance is too focused on trying to hit all of the good planning aspects of the Traditional Neighborhood Development, and instead of what makes sense in Mount Joy.

Gibbs advised that it would be great if something could be drafted prior to the next meeting so the Commission can comment on it as well. Gault advised that instead of looking at ordinance language, we almost need to break it down to a power point that goes step by step to determine what we want. Gibbs asked who would be doing the power point. Gault wondered if we could just do away with the Traditional Neighborhood and just have it under the underlying zoning, especially if it is our goal to keep Commercial on Main Street. Gault advised that the property on Lefever Road is proposed to be changed to Medium Density Residential, the Donsco land was already rezoned to Light Industrial, so Gault suggested we just get rid of the whole Traditional Neighborhood Ordinance. Gault suggested we really do not need it anymore. Sweigart advised that would make sense since there was only a couple of properties zoned Traditional Neighborhood and there are already proposed to be changed or have been changed, so this seems to be a moot point. Gault advised that we can look through the TND section and see if there is anything that should be included in the requirements of the other districts and we just add them there. Gault advised the Commission members to read the Ordinance and see if we want to extract anything out of it.

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**On a motion by Gault and a second by Melhorn, the Planning Commission adjourned. Motion carried 4-0.**

Respectfully Submitted,

Stacie Gibbs, Zoning Officer