

**Mt. Joy Township
Planning Commission Regular Meeting
Tuesday, March 14, 2023**

Meeting Minutes

Present: Kim Birckhead, Chairman; Dan Moore, Vice-Chairman; Kenneth Mutzabaugh; Chris Burne

Also Present: Susan Smith; Township Solicitor; Mitz Whatley, Assistant Treasurer/Administrative Assistant; Shannon Hare; Secretary/Zoning Officer/Code Enforcement Officer

The Mount Joy Township Planning Commission met this date, as publicly advertised, at the Mount Joy Township Building located at 902 Hoffman Home Rd., Gettysburg, PA 17325. In addition to being in person, the meeting was also accessible by remote ZOOM platform. Meeting was called to order at 7:03pm.

Public Comments-None

Approval of Minutes. Mr. Mutzabaugh moved, seconded by Mr. Burne to approve the minutes from January 10, 2023. Motion carried, unanimously.

Mr. Moore moved, seconded by Mr. Mutzabaugh to approve the minutes from February 14, 2023. Motion carried, unanimously.

Business. Gettysburg Outlet Center CMBS, LLC Conditional Use Application. Solicitor Smith explained the background of the Specialized Village Shopping Center Ordinance (SVSC) and the approval of the SVSC use for the Outlets. The Outlets application is for a proposed fitness center, a permitted personal services use, with 24-hr operation. They seek an amendment of the hours of operation established by the conditional use approval for the Outlets (10:00AM-9:00PM except for lodging and restaurants). Mr. Burne asked if an employee of the fitness center would be on duty at all times to deal with health and safety concerns. The Planning Commission had some discussion as to whether the Outlets was providing security or had an arrangement with the State Police or whether the fitness center would provide security. Mr. Moore moved, to recommend the Board of Supervisors approve the conditional use amendment application. Mr. Mutzabaugh amended Mr. Moore's motion to recommend approval as long as health and safety concerns are addressed. Mr. Moore seconded the amendment. Motion carried, unanimously.

Solicitor Smith reported on the recently announced federal new definition of "waters of the United States" which relates to wetlands regulation functionally related. This is determined by applying a two-part standard.

Solicitor Smith indicated that the Commonwealth Court had released an opinion rejecting an exclusionary challenge to a zoning ordinance for failure to provide expressly for a "wedding barn" use, upon concluding that a "wedding barn" is a type of special event conducted at a venue in the form of a barn, and not a discrete use and that the municipality had provided for such activity to be conducted as part of restaurant, hotel and other uses provided for in the ordinance.

She explained that the Mount Joy Zoning Ordinance provisions, which similarly provide for such activities as provided for hotel, restaurant and church uses, are consistent with the Court opinion.

Adjournment. With no further business, Mr. Moore moved, seconded by Mr. Mutzabaugh to adjourn the meeting. Motion carried unanimously. Meeting adjourned 7:29 p.m.

Respectfully submitted,

Shannon M. Hare
Secretary