

**Mt. Joy Township  
Planning Commission Regular Meeting  
Tuesday, September 10, 2024**

**Meeting Minutes**

**Present:** Kim Birckhead, Chairman; Kenneth Mutzabaugh, Vice-Chairman; Ben Hawkins; Ben Mearns; Chris Burne.

**Also Present:** Issac Wakefield, Solicitor; Sandy Yerger, Supervisor

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. The meeting was called to order at 7:00pm.

**Public Comments:** None

**Chairman Comments:** None

**Approval of Minutes:** Mr. Mutzabaugh moved seconded by Mr. Hawkins, to approve the minutes from August 13, 2024. Motion carried, unanimously.

**Business:**

**Discussion of Ordinance No. 2202-03 Warehouse, Data Centers and Truck-related uses:** Attorney Wakefield presented a draft ordinance, incorporating feedback from the previous meeting, specifically about storage uses. The draft showed new additions as underscored and deletions as strikethroughs. Key points included clarifying the definition of storage facilities to distinguish them from distribution centers, and the potential for making storage facilities conditional uses in certain zones. Concerns were raised about the impact of data centers on electricity demand and the appropriateness of the 50-truck limit for traffic.

**Definition Clarification:** There was concern that the term "storage facility" could be confused with a warehouse or distribution center, which involves logistics and the sale of goods. To address this, the definition was updated to specify that storage facilities are "used exclusively for" storage purposes.

**Permitted Zones:** The nature of storage facility usage in certain zones (BPC, VPC-O, AC) remains unchanged. While it is a permitted use in some areas and conditional in others, there is an option to make the rules stricter, Making certain structures conditional uses in all zones wouldn't likely lead to legal challenges. Conditional uses are permitted, but subject to specific criteria, giving the township more control. As long as the conditions are reasonable, this approach allows for community input while still permitting development, without significant legal risk.

Attorney Wakefield stated that making certain types of structures conditional uses in all zones would lead to legal challenges. The direct answer is that making a use conditional would not put the township at legal risk. Conditional uses are still allowed, but they require meeting specific criteria. Courts view them as permitted uses with extra conditions, not as prohibited.

As long as the conditions aren't impossible to meet, making a use conditional provides the township with more control and gives the community a chance to raise concerns during the approval process. This approach could

help balance development with maintaining the character of the area, without making the township vulnerable to legal challenges.

Attorney Wakefield said the distinctions between warehouses, distribution centers, data centers, and storage facilities in terms of zoning regulations and permitted uses:

1. **Distribution Centers:** These are classified as conditional uses, but only in the BPCO zone. They're not allowed in other zones if left blank on the zoning chart.
2. **Storage Facilities:** Attorney Wakefield said the concern is about differentiating storage facilities from other uses. The focus is on ensuring they're used solely for storage, without the heavy truck traffic or direct-to-consumer activities typical of distribution centers.
3. **Data Centers:** Like distribution centers, these are also conditional uses, limited to one specific zone.

In summary, we are working to ensure clear zoning distinctions and conditions for these types of facilities to prevent unintended uses like heavy logistics operations. While addressing whether fulfillment centers should be included under the same regulations as other storage and distribution centers, and whether shifting these uses from "permitted" to "conditional" would create legal challenges. The consensus is that changing these to conditional uses gives the township more control without significant legal risk. It requires developers to meet specific conditions, giving the board oversight and the public a chance to voice concerns.

Additionally, the discussion touched on data centers. Attorney Wakefield noted that while they may resemble warehouses in function, they require special considerations, like environmental protection, noise, and buffer zones, due to their high energy consumption and the need for supporting infrastructure like substations. Some aesthetic regulations, such as building appearance, are included, but could face legal scrutiny depending on how specific they are.

The aim is to balance effective regulation without overstepping, ensuring that both storage and data centers meet community and environmental standards.

Following the discussion a motion was made by Mr. Burne, seconded by Mr. Hawkins to advance the draft ordinance with the changes to the Board of Supervisors for review and consideration. Motion carried, unanimously.

**Adjournment.** With no further business, Mr. Mearns moved, seconded by Mr. Mutzabaugh to adjourn the meeting. Motion carried. The meeting adjourned at 7:35 p.m.

Respectfully submitted,

Sheri Moyer  
Township Secretary