

SEPTEMBER 15, 2003 PUBLIC HEARING – ZONING ORDINANCE AMENDMENTS AND NEW MAP:

The Mount Joy Township Board of Supervisors held a Public Hearing this date at 7:00 p.m., as publicly advertised, at the Mount Joy Township Municipal Building, 902 Hoffman Home Road, Gettysburg, PA 17325, with Board Chairman James W. Waybright presiding. Others in attendance were: Supervisors William Chantelau, George Scott, and Harold Kirschner; Solicitor Walton V. Davis; Code Enforcement Officer Jay D. Little, Sr.; and Secretary Brenda J. Constable. Supervisor Will Rogers was not present.

Others in attendance were: Charles Schmehl of URDC; Les & Janet McNally; Elsie D. Morey; Jan & Jerry Althoff; LeRoy Basehoar; Millard Basehoar; Jack McLatchy; Jerry Maloney; Harold "Red" Yingling; Keith Yingling; Robert Teeter, Esq. representing Yingling Auction Service; Sylvia Turner; Carol Newhart; Ed & Nancy Reichart; Audrey & Gary Weiland; Rhoda C. Conover; Barbara & Roger Steele; James Wiltgen Jr.; Lee Ramsburg; and Sam Dayhoff.

Mr. Waybright opened the hearing at 7:00 p.m. and turned the proceedings over to Solicitor Walton V. Davis.

Mr. Davis stated that the purpose of this public hearing is for the Supervisors to hear comments on changes that have been made to the draft zoning ordinance since the last public hearing held on May 19, 2003. This is not the first public hearing on the zoning ordinance; this is the second public hearing. The Supervisors have heard comments on the majority of what is in the zoning ordinance, but since the last public hearing there has been some changes made. Mr. Charles Schmehl, of URDC, will tell us what these changes are before the public has an opportunity to comment on them. Mr. Davis stated that the public can speak to the other provisions, but the Supervisors are really mostly concerned with what has changed since the last public hearing.

Mr. Davis pointed out that this hearing was advertised in *The Gettysburg Times* on August 30 and September 6, 2003, pursuant to the requirements of the Municipalities Planning Code and a Proof of Publication has been received by the Township, which will be kept as a matter of record. He further added that when it comes time for persons to speak your name and address should be given since there is no stenographer tonight. Mr. Davis then turned the hearing over to Mr. Schmehl.

Mr. Schmehl announced that copies of the draft zoning map and summary of the draft ordinance were available to the public if they wished to refer to them during the hearing. He pointed out the new draft zoning map and the existing map for the public to use for comparison. He then introduced himself and his company. Mr. Schmehl stated that this has been a lengthy process in which the Township has worked on a Comprehensive Plan for a few years to form the future land use of the Township. This process started with a Comprehensive Plan and survey of all the residents of the Township. It has involved proposed changes to the zoning ordinance, which is the primary tool the Township has to control development rights. The Township recently adopted some revisions to the Subdivision and Land Development Ordinance (SALDO). The SALDO is more of a technical ordinance that regulates engineering standards, stormwater and things like that. The Zoning Ordinance primarily controls the use of land, the use of buildings, the setbacks from creeks, buildings, and lot lines on new buildings, and where commercial uses are allowed and where industrial uses are allowed. It tells them what the density, the lot sizes, and also controls the height and sizes of signs and amount of parking required for a type of development. Anything that exists legally today can be legal forever. One of the principals of zoning is that zoning does not shut down any businesses and zoning must take special account to try to avoid making any existing lots un-buildable. Zoning is very much

aimed towards new development, new uses, and changes that occur from the day that the ordinance is being adopted.

Mr. Schmehl, referring to his handout "Summary of Draft New Zoning Ordinance" dated July 12, 2002, Revised May 16 2003, bottom of page 2 and top of page 3 stated that there are certain overall goals that drive this process. He then highlighted a few, noting that we have an objective of trying to make agriculture as much as is practical of trying to have compatibility between different types of development of meeting requirements of state laws that have places that allow different types of uses, and trying to recognize that the road system has limited capacity for certain types of development in different areas.

Mr. Schmehl continued by saying that much of this has already been debated and discussed at previous public meetings of the Planning Commission and Board of Supervisors, and questions can certainly be answered on any topic the public may have here tonight. However, he noted that he was asked to concentrate on changes made since the previous hearing. One of those changes was to expand the proposed Village District (V). This area shows up on the north side of the Baltimore Pike and the east and west of Low Dutch Road. It includes, for instance, Countryside Gardens. He explained that a Village district is a mix of residential and light commercial uses and it is intended to provide for types of businesses that would not cause conflicts of nearby homes, such as small retail stores, personal services, and offices. Village District would not provide for things like gas stations, auto repair, and body shops, things like that and it would not provide for heavy commercial uses.

Another change that was made since the previous hearing, with a lot of public input, was some changes to a piece of land north of Baltimore Pike, east of Route 15, adjacent to the Lake Heritage development, which includes the Yingling Auction House and Chinese Restaurant, west of Heritage Drive and across of the Gettysburg Village Outlet Stores. The Township is proposing that this property be given a new zoning district called "Limited Commercial" (LC). The LC district, again, is intended to provide for lighter types of commercial uses, not the heavier types of commercial uses. Some of the uses would require conditional use approval by the Board of Supervisors. A conditional use is a special review and approval process by the Township of the zoning. It generally is an allowed use if it meets all of the conditions. Some things that would be allowed in the LC district would include auto repair other than tractor-trailers and would need conditional use approval. Auto sales and car wash would need conditional use approval. Construction company headquarters, an exercise club, a bank, a funeral home, a motel, an office, personal services, and a garden center would all be allowed. Indoor recreation would be allowed with Supervisor approval. Restaurants would be allowed except drive-throughs, which would need conditional use approval. A shopping center would be allowed except any drive-through use would need conditional use approval. A tavern, which is a bar, would need conditional use approval. Those are the primary uses that would be in the LC district, in the northeast corner of Route 15/Baltimore Pike interchange.

Mr. Schmehl noted that there was a few other adjustments noted in the draft ordinance, however 97% of it did not change from the previous draft and the only changes made were the ones that the Board of Supervisors told URDC to make. Most of the changes from the previous draft were clarifications, other than the creation of the LC district and other than the expansion of the Village district.

After giving a summary of the changes from the previous hearing, Mr. Schmehl opened the floor for questions and comments from the public.

Sylvia Turner, 2480 Baltimore Pike: being affected by the current Village change. She has an historic house and does not like the idea of straight Village; she would prefer it stay Single Family Residential (SFR). The house is in the historic Rock Creek White Run Union Hospital Complex. Since the Baltimore Pike is a major thoroughfare into Gettysburg and for the visitors of the Gettysburg National Park, she works for the Park Service and talking with co-workers and visitors, they are not very happy with all the changes they are seeing along there and around the Gettysburg area with all of this building and development coming in. She also checked previous draft zoning maps, as a member of the Comp Plan Committee workshops, and noted that this area has always been SFR. She questioned why this change to Village now, after the Committee has stopped meeting. Mr. Davis responded that some of the reasons were that there were requests and analysis as to what is actually going on in that area. Mr. Schmehl added that there were discussions by the Supervisors that there were a relatively few number of businesses along Baltimore Pike that were not in some type of business zoning district and the Supervisors expressed an opinion that they would prefer to have existing businesses in similar districts as much as possible.

Elsie Morey, 2235 Baltimore Pike: I too would like to see the proposed area of Baltimore Pike to stay SFR and keep the Rock Creek White Run Union Hospital Complex area in the historic area. She also spoke with other neighbors, including John Paddock and the owners of the Lightner Bed & Breakfast and they too would like to see the area stay SFR.

Carol Newhart, 720 Plunkert Road: listening to what Sylvia and Elsie were saying and would suggest in order to accommodate them, by leaving in the proposed change area of Village and change to Village Historic. It looks to her as if the change would not really change much of anything. Mr. Schmehl explained the differences between Village and Village Historic. Beverage distributor, a free-standing communications tower, an indoor recreation, miniature golf and driving range, amusement park and wholesale building supplies are all allowed in Village and not Village Historic. He noted there are some standards for review. In the Village Historic there are standards dealing with placement of the building on the lot, dealing with placement of parking, and requiring a pitched roof or similar decorative roof. There is only a relatively few number of differences between the two. He commented to the Supervisors that if they wanted to use the Village Historic on this site, they could.

Mr. Jay Little, Zoning Officer, stated that something that may want to be considered is that Turner's area is in the National Register Historical District. He noted that this is not one of our zoning districts but her property, in particular, is a portion of that as well as Ms. Morey's and the whole corridor there that they are speaking of. He commented that this would keep the historic values of their properties since they are in the National Register Historical District, so it may not need to be changed at all, it could still be Village and still be a historic property. Mr. Schmehl stated that Mr. Little was correct, however, the National Register is independent of zoning. If the Township wanted to have a little more control, it would choose the Village Historic option. The fact that it is in the National Register District only controls federal actions involving federal and state money.

Sylvia Turner: the historic map, location 29E, Lee Myers property, and her neighbor. Is this in proposed Village or is it still designated in the SFR? Mr. Schmehl responded that it is in Village. He noted that one of the reasons the lines were drawn the way they were was that there were comments expressed to the Supervisors that they would prefer to have rear access with these properties rather than having new driveways coming out onto Baltimore Pike. So we tried to use those opportunities for rear access roads as a break point for the district.

Walton Davis asked Mr. Schmehl with the more aggressive uses that one can use in the Village but one cannot use in the Village Historic District, would they not require that some of the lots be joined together? The lots that are in this district do not seem to be large enough; a building supply for instance, would not fit. Mr. Schmehl responded that in all practical purpose to have anything significant, you would probably need more than one lot in this group. The Village District it is intended for smaller scale uses. Typically a community allows people to use an existing lot for those uses. Typically, they do not require a merger. Mr. Davis questioned that it is not likely that a Lowes or a Home Depot would come in. Mr. Schmehl agreed, noting it would be possible to take these lots and turn them into a small business.

Les McNally, resides at 80 Spruce Drive, Gettysburg. He and his wife own 26 acres north of Lake Heritage, sandwiched between Lake Heritage and Route 15. On the map it is under SFR2. In the old zoning map, they were SFR1 and now are being changed to SFR2. They are not in the White Run Regional Municipal Authority district according to this map and they are not even planned to be in it in the future. He questioned what SFR2 allows for on-site systems in case they would ever want to break up the 26 acres into one or two lots and have on-site systems? Would this be allowed? Mr. Schmehl responded that it is one acre throughout the township for residential districts in SFR2 for on-lot septic systems, actually 40,000 sq. ft. Mr. Waybright asked Mr. McNally if he knew why he does not qualify for sewer with WRRMA. Mr. McNally responded that they were going to ask the same thing; they do not know why. Mr. McNally stated that they asked the same question about two years ago and they were told that they would be included in there, but they never have been. Mr. Waybright clarified if they are the property between Hazelbrook Hills and Route 15 and Lake Heritage? Mr. McNally responded yes, the long piece of land between Route 15 and the north of Lake Heritage. Mr. Schmehl stated that that piece of land was never discussed, to his knowledge, in any of these meetings. The Township was given a service area by White Run Authority and McNally's property was not in their service area. Mrs. McNally asked if their property could be added in the future. Mr. Schmehl responded that he, personally, thought it would be logical. He then showed a WRRMA service map and this property was not included, for whatever reason. Mr. Waybright questioned if it was not included because it was not developed. Mr. Schmehl responded that he thought that was probably the reason; no one had ever come in and asked, at least they had not remembered anyone coming in and asking. Mr. McNally stated that it is not developed and right now it is being farmed, being rented by two farms.

Mr. Sam Dayhoff stated that the reason McNally's land was not included was because back when WRRMA was formed, and was originally the Lake Heritage Municipal Authority, they took on federal and state funds and they were to take care of current problems for that development. So all the sewer lines in Lake Heritage that go north were sized to handle Lake Heritage, Hazelbrook Hills and also to Drummer Boy Campground. This is the reason this area was not included because it was not their intent to take on additional development. Mr. McNally stated that he understands that WRRMA is proposing to expand the service area. Mr. Schmehl stated that there are grinder pumps in both pressure points in parts of Lake Heritage; those are not designed to feed extensions. Mr. McNally stated that somebody approached them from the Sewer Authority about running lines through their property to extend back to the Campground, as an option. It was discussed to a point, but nothing was decided. This was discussed within the last year. Mrs. McNally stated that WRRMA was going to redirect from the Campground to the Martin farm. Mr. Schmehl stated that it is common when someone comes in for a development project to ask for an amendment to a sewage facilities plan. The McNally's would have that option in the future, and actually, the Township has already adopted their Sewage Facilities Plan. However, it hasn't been approved by DEP yet, which is the next step. It may be coming back through another cycle; DEP will most likely have other comments and there may be some changes made. If the McNally's wished to improve their property, this

would be the time to address it. Mr. Schmehl suggested that they contact WRRMA to find out what their feelings are about the progress of this area because they would be the ones to service it and they are very concerned that the Township not promise service areas that they do not intend to do. Mr. Davis stated if the McNally's are SFR2 it seems that they have more development possibilities than if they remained SFR1. Mr. McNally agreed. Mr. Davis asked McNally if he did not want to be SFR2? Mr. Schmehl stated that the only difference from SFR1 from SFR2 is the setbacks. SFR2 was designed to respect the old setbacks of the original Lake Heritage subdivision. The SFR1 was intended for new subdivision. Other than that, the densities are the same. Mr. McNally responded that it would be better to be 2 than 1. Mr. Schmehl suggested that, as far as whether McNallys are in the service area or not, they should talk to WRRMA at their earliest convenience and let the Township know what they [WRRMA] have to say about the issue. Mr. Davis asked McNallys if they were happy or unhappy with SFR2? McNally's responded that it doesn't matter – yes, happy.

Rhoda Conover, 2605 Baltimore Pike. Questioned if you have less than an acre with well and septic on it, could they build on it? Mr. Schmehl stated that a well and septic in the Village district is slightly less than an acre; in the RR district it is larger. Mrs. Conover stated that they have two places to build on. One is in Village Historic in Two Taverns area, and the other is in Village Center. She questioned what the required lot size is there and what type of septic is allowed there. Mr. Schmehl stated that the Zoning Ordinance would list the required lot size but not the type of septic. This would be up to the Sewage Enforcement Officer and that depends on the soil conditions and design. Mrs. Conover asked what type of designs would be allowed. Mr. Schmehl stated that this would be up to the SEO and that he determines what is allowed based on DEP regulations. Mr. Schmehl stated that her question would be what would the lot sizes be for residential uses. He referenced Zoning Ordinance Chapter 110-26.A., which states one acre for a single family home in the Village or Village Historic District. Mrs. Conover asked about the type of sewer system for that district. Mr. Schmehl responded that it would have to be whatever the state allows.

Mr. Davis asked if there were any other public comments. No more were given.

Mr. Schmehl asked a few procedural questions. He asked if the date in which the Supervisors intend to vote on this Ordinance has been advertised. Secretary Brenda Constable stated yes, it was advertised for Thursday, September 18, 2003 during the Supervisors' regular meeting. Mr. Schmehl asked the Supervisors if they want to continue with their vote on Thursday? He added that if the proposed district changes from Village to Village Historic on the north side of Baltimore Pike and Low Dutch, in his opinion, it is not a significant change for another hearing.

Mr. Jim Wiltgen, 987 Johnson Drive, regarding the area at the Gettysburg Village Outlet Mall. He stated that he was not living here at the time that went in and it is his understanding that there were many restrictions placed on it under the EC (Employment Center) district. Now it is proposed to be Planned Commercial, which would give it much more lead-way. Did the Supervisors consider Village Center rather than PC? Mr. Schmehl referred to the Ordinance, page 14 that states a lot in PC district that includes over 100 acres of land as of the adoption date of this section that the only type of shopping center permitted is a "specialized village shopping center". What that does is puts you in all of those regulations that regulated that project. Because they [GVFO] are an existing lot of over 100 acres, the only thing they can do as far as a shopping center, is what they have on approval. If they were to come in with another conditional use approval, they would be under the same regulations as what they came in on before. Mr. Davis added that that was the EC district at the time which was somewhat similar to what PC is now, so if the shopping

center were to totally fold up and someone came in and bulldozed all of the buildings, they could arrange a use that wouldn't be much different than what it was before they started. Mr. Schmehl commented that the main difference would be that they couldn't put industrial use in.

Mr. Davis asked for other questions or comments. None were given. Mr. Davis then turned the Public Hearing over to Chairman Waybright. Mr. Schmehl asked the Supervisors if they intend to vote on this ordinance on Thursday night. Mr. Davis responded yes. Mr. Schmehl stated that the Supervisors could wait until that night to decide if they wish to change the proposed Village district to Village Historic, as recently proposed.

Mr. Waybright thanked everyone for coming and for his or her comments. With no further business, the Public Hearing adjourned at 7:40 p.m. this date.

Respectfully submitted,

Brenda J. Constable
Secretary