

## AGREEMENT

**THIS AGREEMENT** made as of the 6th day of May, 2024, by and among **ELIZABETHTOWN MOUNT JOY ASSOCIATES, L.P.**, a Pennsylvania limited partnership with a mailing address of 1000 Germantown Road, Suite A-2, Plymouth Meeting, Pennsylvania 19462 (“Record Owner”); **PENMARK MANAGEMENT COMPANY, INC.**, a Pennsylvania business corporation with a mailing address of 1000 Germantown Road, Suite A-2, Plymouth Meeting, Pennsylvania 19462 (“Penmark”); and **MOUNT JOY TOWNSHIP**, Lancaster County, Pennsylvania, a municipal corporation organized under the laws of the Commonwealth of Pennsylvania, with its municipal office located at 8853 Elizabethtown Road, Elizabethtown, Pennsylvania 17022 (the “Township”).

### **BACKGROUND**

Record Owner is the successor in interest to Elizabethtown Associates and is the owner of two adjoining tracts of land within the Township with frontage on Route 230 and Cloverleaf Road identified as Lancaster County Tax Account Nos. 461-00486-0-0000 and 461-87126-0-0000 (the “Property”). The Property is classified as C-1 Neighborhood Commercial District by the Mount Joy Township Zoning Map.

Record Owner and/or Penmark have sought to develop the Property with a shopping center. Record Owner and Penmark filed an application to the Mount Joy Township Zoning Hearing Board for use and other variances to enable the development of the Property with a shopping center which the Zoning Hearing Board denied by a decision dated October 4, 2023. Record Owner and Penmark filed an appeal from such decision to the Lancaster County Court of Common Pleas captioned *Appeal of Elizabethtown Mount Joy Associates, L.P. and Penmark Management Company, Inc., from the Decision of the Zoning Hearing Board of Mount Joy Township* which was docketed to No. CI-23-07912 (the “Court Appeal”). In accordance with the authorization in the Pennsylvania Municipalities Planning Code (“MPC”), the Township intervened in the Court Appeal.

Record Owner and Penmark (collectively “Developers”) requested that the Township rezone the Property to C-2 General Commercial District. The Board of Supervisors of the Township declined to rezone the Property.

Record Owner has filed a challenge to the substantive validity of the Mount Joy Township

Zoning Ordinance and Request for Curative Amendment Pursuant to Sections 609.1 and 916.1 of the Pennsylvania Municipalities Planning Code (the “Challenge”) seeking to have the Property classified as C-2 General Commercial District and including a sketch plan of a proposed development of the Property.

The Township is willing to rezone the Property to C-2 General Commercial District if Developers agree that they will develop the Property in a manner different from the sketch plan submitted with the Challenge and in accordance with the exhibits submitted to the Zoning Hearing Board. Developers are willing to withdraw the Challenge and develop in accordance with this Agreement if the Township rezones the Property to C-2 General Commercial District. The purpose of this Agreement is to set forth the understandings of the parties concerning the zoning and development of the Property and withdrawal of the Challenge and Court Appeal.

NOW, THEREFORE, for and in consideration of the mutual promises contained herein, and intending to be legally bound hereby, the parties agree as follows:

1. The foregoing background recitals are incorporated into and made a substantive part of this Agreement.

2. Developers agree that Developers shall develop the Property in accordance with the sketch plan attached hereto and incorporated herein as Exhibit A and in accordance with the list of proposed conditions which Developers presented to the Zoning Hearing Board which is attached hereto and incorporated hereto as Exhibit B if the Township classifies the Property as C-2 General Commercial District.

3. Developers agree that the development of the Property shown on Exhibit A requires that the Zoning Hearing Board grant special exceptions for the vehicle fueling pumps and shopping center in excess of 10,000 square feet. Developers agree that they will present the proposed conditions attached hereto as Exhibit B to the Zoning Hearing Board and state on the record that the Zoning Hearing Board may impose such conditions if the Zoning Hearing Board grants the special exceptions.

4. The Township agrees that if Developers are in compliance with this Agreement and inform the Zoning Hearing Board that they will accept the conditions attached as Exhibit B, the Township shall not oppose an application for special exceptions for vehicle fueling pumps and shopping center in excess of 10,000 square feet shown on the sketch plan attached as Exhibit A.

5. Developers shall withdraw the Challenge and the Court Appeal within sixty (60) days after the Township enacts an ordinance classifying the Property as C-2 General Commercial District if no person has filed an appeal from or challenge to the enactment of such ordinance.

6. The development of the Property shall be limited to the types of structures and uses shown on the sketch plan attached as Exhibit A. The Township acknowledges that the precise location of buildings, storm water management facilities, or off-street parking areas may be slightly modified after complete engineering during the land development process. Notwithstanding the foregoing, the intensity of the development of the Property shall not be increased and the extension of Norlanco Drive cannot be eliminated.

7. Developers agree that they shall include notes on any final land development plan for the Property requiring compliance with all conditions imposed by the Zoning Hearing Board, including the text of all conditions, and in addition shall include a condition which requires the Developers and future owners and occupants of the Property to post and maintain signs on the Property stating that overnight parking of trucks, tractor trailers, recreational vehicles, and other large vehicles is prohibited and enforce such prohibition.

8. Developers agree that the Township shall have no obligation to approve any land development plan for the Property which is inconsistent with the sketch plan attached as Exhibit A. Developers agree that the Township shall have no obligation to issue any permits or approvals to enable development of the Property or any portion of the Property if such application is not consistent with the sketch plan attached as Exhibit A. Developers waive all time periods within which the Township is required to act upon applications for permits or approvals under the MPC, Zoning Ordinance, Subdivision and Land Development Ordinance, or any other applicable statute, ordinance or regulation until the Property and Developers are in compliance with this Agreement. Developers waive all claims of deemed approvals, vested rights or estoppel, or claims that a refusal by the Township to issue permits or approvals if Developers have failed to comply with the items to which Developers have agreed herein violates the Pennsylvania Construction Code Act, the MPC, the Zoning Ordinance, or any other applicable statute, law, ordinance, rule, or regulation.

9. The Township may, in addition to the remedies prescribed herein, proceed with any action at law or in equity to bring about compliance with the Township Zoning Ordinance, the Township Subdivision and Land Development Ordinance and this Agreement.

10. This Agreement shall be binding upon the Developers, the successors and assigns of Developers, and all present and future owners of the Property or any part thereof.

11. This Agreement may be amended only by written instrument signed on behalf of all owners of the Property and the Township.

12. When the sense so requires, words of any gender used in this Agreement shall be held to include any other gender, and the words in the singular number shall be held to include the

plural, and vice versa.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed the day and year first written above.


ELIZABETHTOWN MOUNT JOY  
ASSOCIATES, LP

By: Elizabethtown General, LLC, a  
Pennsylvania Limited Liability  
Company, sole general partner

By:   
Name: Robert Sichelstiel  
Title: CEO

Attest: Signature: Dean T Cafiero  
Dean T Cafiero (May 6, 2024 09:54 EDT)  
Email: dean@penmark.com

PENNMARK MANAGEMENT COMPANY,  
INC.

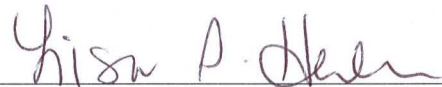
By:   
(Vice) President

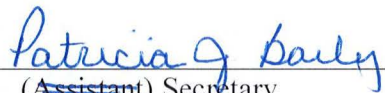
ATTEST:

By: Signature: Dean T Cafiero  
Dean T Cafiero (May 6, 2024 09:54 EDT)  
(Assistant) Secretary Email: dean@penmark.com

[CORPORATE SEAL]

MOUNT JOY TOWNSHIP, Lancaster County,  
Pennsylvania

By:   
(~~Vice~~) Chairman  
Board of Supervisors

Attest:   
(Assistant) Secretary

[TOWNSHIP SEAL]



# EXHIBIT A

Proposed Sketch Plan Existing Conditions/Lot Add On Plan

For

Mount Joy Township Center

Penmark Management Company

Prepared by D.C. Gohn Associates, Inc., dated April 1, 2024



PLOTTED: APR 11, 2024 @ 3:03PM  
 FILE: P:\PROJECTS\TOWN CENTER\CG-2991A.dwg  
 PROJECT: MOUNT JOY TOWN CENTER  
 DRAWN BY: BRC  
 CHECKED BY: BRC  
 SCALE: 1" = 100'  
 SHEET # 1 OF 4

NO.	DATE	REVISIONS

**OWNERS: TRACT 1 AND TRACT 2**  
 NAME: ELIZABETHTOWN MOUNT JOY ASSOCIATES, LP  
 ADDRESS: 1000 GERMAN TOWN RD SUITE A - 2  
 PLYMOUTH MEETING, PA 19462  
 SOURCE OF TITLE: DEED INST. #5160060  
 LANC. CO. TAX ACCT.: 461-95417-0-0000

**OWNERS: PREMISE 'A' AND PREMISE 'B'**  
 NAME: ELIZABETHTOWN ASSOCIATES  
 ADDRESS: 1000 GERMAN TOWN RD SUITE A - 2  
 PLYMOUTH MEETING, PA 19462  
 SOURCE OF TITLE: DEED BK U. VOL. 71, PG. 21  
 LANC. CO. TAX ACCT.: 461-95417-0-0000

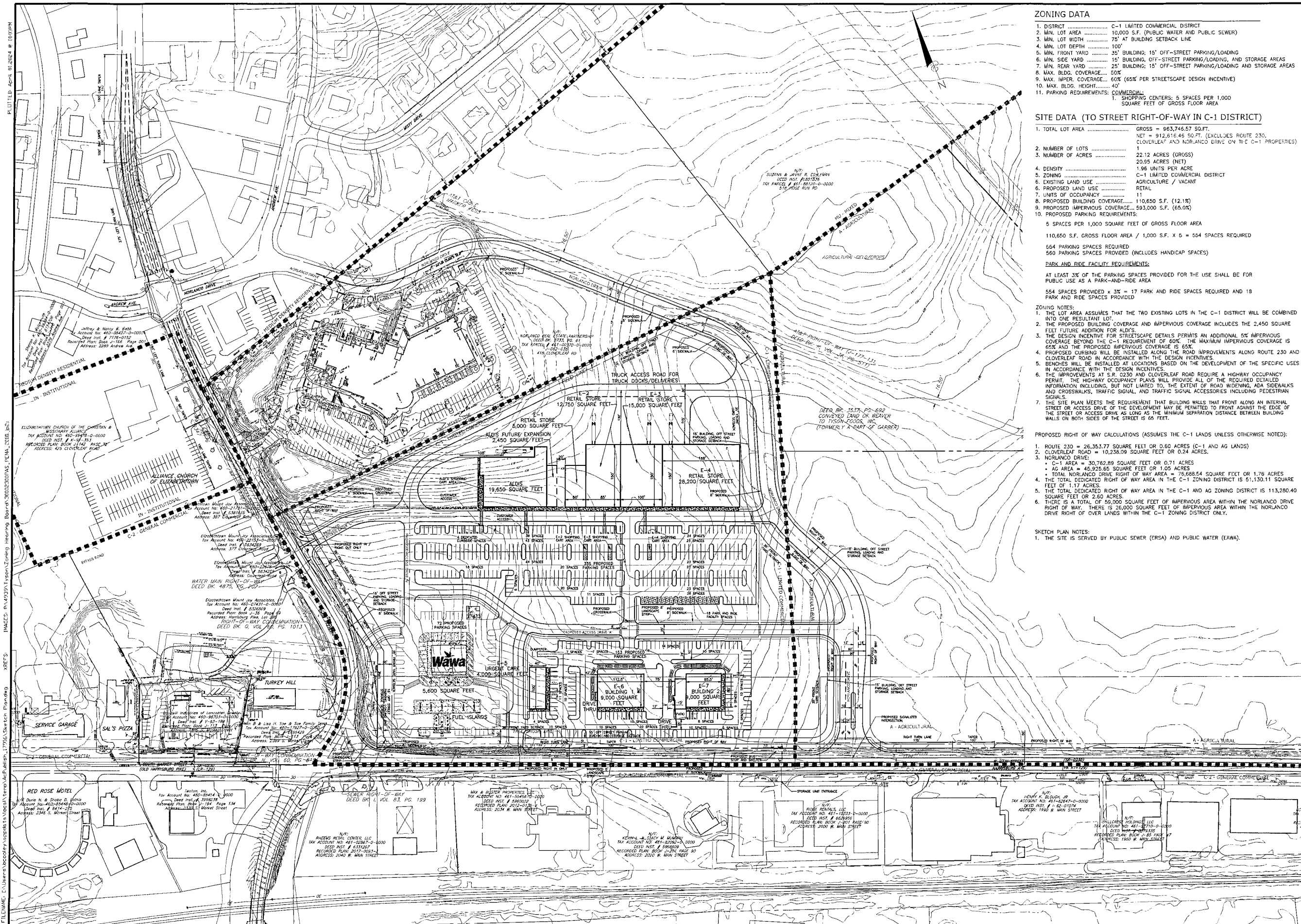
32 Mount Joy Street  
 Mount Joy, PA 17552  
 PH: (717) 653-5308  
 www.djohn.com

**djohn**  
**Associates, Inc.**  
 Surveyors - Engineers - Landscape Architects

PROJECT NO.:	4939-50
DATE:	APRIL 1, 2024
DRAWN BY:	BRC
CHECKED BY:	BRC

**PROPOSED SKETCH PLAN**  
 EXISTING CONDITIONS/LOT ADD ON PLAN  
 FOR  
**MOUNT JOY TOWN CENTER**  
**PENNMARK MANAGEMENT COMPANY**  
 MOUNT JOY TOWNSHIP  
 LANCASTER COUNTY, PENNSYLVANIA

DRAWING #: CG-2991A  
 SHEET #: 1 OF 4



**ZONING DATA**

1. DISTRICT	C-1 LIMITED COMMERCIAL DISTRICT
2. MIN. LOT AREA	10,000 S.F. (PUBLIC WATER AND PUBLIC SEWER)
3. MIN. LOT WIDTH	75' AT BUILDING SETBACK LINE
4. MIN. LOT DEPTH	100'
5. MIN. FRONT YARD	35' BUILDING; 15' OFF-STREET PARKING/LOADING
6. MIN. SIDE YARD	15' BUILDING; OFF-STREET PARKING/LOADING, AND STORAGE AREAS
7. MIN. REAR YARD	25' BUILDING; 15' OFF-STREET PARKING/LOADING AND STORAGE AREAS
8. MAX. BLDG. COVERAGE	50%
9. MAX. IMPER. COVERAGE	60% (65% PER STREETSCAPE DESIGN INCENTIVE)
10. MAX. BLDG. HEIGHT	40'
11. PARKING REQUIREMENTS	COMMERCIAL: 1. SHOPPING CENTERS: 5 SPACES PER 1,000 SQUARE FEET OF GROSS FLOOR AREA

**SITE DATA (TO STREET RIGHT-OF-WAY IN C-1 DISTRICT)**

1. TOTAL LOT AREA	GROSS = 963,746.57 SQ.FT. NET = 912,616.46 SQ.FT. (EXCLUDES ROUTE 230, CLOVERLEAF AND NORLANCO DRIVE ON THE C-1 PROPERTIES)
2. NUMBER OF LOTS	22.12 ACRES (GROSS)
3. NUMBER OF ACRES	20.95 ACRES (NET)
4. DENSITY	1.96 UNITS PER ACRE
5. ZONING	C-1 LIMITED COMMERCIAL DISTRICT
6. EXISTING LAND USE	AGRICULTURE / VACANT
7. PROPOSED LAND USE	RETAIL
8. UNITS OF OCCUPANCY	11
9. PROPOSED BUILDING COVERAGE	110,650 S.F. (12.1%)
10. PROPOSED IMPERVIOUS COVERAGE	593,000 S.F. (65.0%)
11. PROPOSED PARKING REQUIREMENTS:	5 SPACES PER 1,000 SQUARE FEET OF GROSS FLOOR AREA 110,650 S.F. GROSS FLOOR AREA / 1,000 S.F. X 5 = 554 SPACES REQUIRED 654 PARKING SPACES REQUIRED 560 PARKING SPACES PROVIDED (INCLUDES HANDICAP SPACES)

**PARK AND RIDE FACILITY REQUIREMENTS:**  
AT LEAST 3% OF THE PARKING SPACES PROVIDED FOR THE USE SHALL BE FOR PUBLIC USE AS A PARK-AND-RIDE AREA  
554 SPACES PROVIDED X 3% = 17 PARK AND RIDE SPACES REQUIRED AND 18 PARK AND RIDE SPACES PROVIDED

**ZONING NOTES:**

1. THE LOT AREA ASSUMES THAT THE TWO EXISTING LOTS IN THE C-1 DISTRICT WILL BE COMBINED INTO ONE RESULTANT LOT.
2. THE PROPOSED BUILDING COVERAGE AND IMPERVIOUS COVERAGE INCLUDES THE 2,450 SQUARE FEET FUTURE ADDITION FOR ALDI'S.
3. THE DESIGN INCENTIVE FOR STREETSCAPE DETAILS PERMITS AN ADDITIONAL 5% IMPERVIOUS COVERAGE BEYOND THE C-1 REQUIREMENT OF 60%. THE MAXIMUM IMPERVIOUS COVERAGE IS 65% AND THE PROPOSED IMPERVIOUS COVERAGE IS 65%.
4. PROPOSED CURBING WILL BE INSTALLED ALONG THE ROAD IMPROVEMENTS ALONG ROUTE 230 AND CLOVERLEAF ROAD IN ACCORDANCE WITH THE DESIGN INCENTIVES.
5. BENCHES WILL BE INSTALLED AT LOCATIONS BASED ON THE DEVELOPMENT OF THE SPECIFIC USES IN ACCORDANCE WITH THE DESIGN INCENTIVES.
6. THE IMPROVEMENTS AT S.R. 0230 AND CLOVERLEAF ROAD REQUIRE A HIGHWAY OCCUPANCY PERMIT. THE HIGHWAY OCCUPANCY PLANS WILL PROVIDE ALL OF THE REQUIRED DETAILED INFORMATION INCLUDING, BUT NOT LIMITED TO, THE EXTENT OF ROAD WIDENING, ADA SIDEWALKS AND CROSSWALKS, TRAFFIC SIGNAL, AND TRAFFIC SIGNAL ACCESSORIES INCLUDING PEDESTRIAN SIGNALS.
7. THE SITE PLAN MEETS THE REQUIREMENT THAT BUILDING WALLS THAT FRONT ALONG AN INTERNAL STREET OR ACCESS DRIVE OF THE DEVELOPMENT MAY BE PERMITTED TO FRONT AGAINST THE EDGE OF THE STREET OR ACCESS DRIVE AS LONG AS THE MINIMUM SEPARATION DISTANCE BETWEEN BUILDING WALLS ON BOTH SIDES OF THE STREET IS 65 FEET.

**PROPOSED RIGHT OF WAY CALCULATIONS (ASSUMES THE C-1 LANDS UNLESS OTHERWISE NOTED):**

1. ROUTE 230 = 26,353.77 SQUARE FEET OR 0.60 ACRES (C-1 AND AG LANDS)
2. CLOVERLEAF ROAD = 10,238.09 SQUARE FEET OR 0.24 ACRES.
3. NORLANCO DRIVE:
  - C-1 AREA = 30,782.89 SQUARE FEET OR 0.71 ACRES
  - AG AREA = 45,925.66 SQUARE FEET OR 1.05 ACRES
  - TOTAL NORLANCO DRIVE RIGHT OF WAY AREA = 76,708.55 SQUARE FEET OR 1.76 ACRES
4. THE TOTAL DEDICATED RIGHT OF WAY AREA IN THE C-1 AND AG ZONING DISTRICT IS 51,130.11 SQUARE FEET OR 1.17 ACRES.
5. THE TOTAL DEDICATED RIGHT OF WAY AREA IN THE C-1 AND AG ZONING DISTRICT IS 113,280.40 SQUARE FEET OR 2.60 ACRES.
6. THERE IS A TOTAL OF 59,000 SQUARE FEET OF IMPERVIOUS AREA WITHIN THE NORLANCO DRIVE RIGHT OF WAY. THERE IS 26,000 SQUARE FEET OF IMPERVIOUS AREA WITHIN THE NORLANCO DRIVE RIGHT OF WAY WITHIN THE C-1 ZONING DISTRICT ONLY.

**SKETCH PLAN NOTES:**  
1. THE SITE IS SERVED BY PUBLIC SEWER (ERSA) AND PUBLIC WATER (EAWA).

OWNER: TRACT 1 AND TRACT 2	ELIZABETHTOWN MOUNT JOY ASSOCIATES, LP
NAME:	1000 GERMAN TOWN RD SUITE A - 2
ADDRESS:	PLYMOUTH MEETING, PA 19462
SOURCE OF TITLE:	DEED INSTR. # 5164060
LANC. CO. TAX ACCT.:	461-41550-0-0000

OWNER: PRELISE 'A' AND PRELISE 'B'	ELIZABETHTOWN ASSOCIATES
NAME:	1000 GERMAN TOWN RD SUITE A - 2
ADDRESS:	PLYMOUTH MEETING, PA 19462
SOURCE OF TITLE:	DEED BK U. VOL. 71, PG. 21
LANC. CO. TAX ACCT.:	461-10496-0-0000

OWNER: PRELISE 'A' AND PRELISE 'B'	ELIZABETHTOWN ASSOCIATES
NAME:	1000 GERMAN TOWN RD SUITE A - 2
ADDRESS:	PLYMOUTH MEETING, PA 19462
SOURCE OF TITLE:	DEED BK U. VOL. 71, PG. 21
LANC. CO. TAX ACCT.:	461-82176-0-0000

32 Mount Joy Street  
P.O. Box 128  
Mount Joy, PA 17552  
Ph: (717) 653-5308  
www.dgohn.com

**dgohn**  
Associates, Inc.

Surveyors - Engineers - Landscape Architects

PROJECT NO.:	4939-50
DATE:	APRIL 1, 2024
DRAWN BY:	BRC
CHECKED BY:	BRC
SCALE:	1"=100'

PROPOSED SKETCH PLAN  
FOR  
MOUNT JOY TOWN CENTER  
PENNMARK MANAGEMENT COMPANY  
MOUNT JOY TOWNSHIP  
LANCASTER COUNTY, PENNSYLVANIA

DRAWING #: CG-2991A  
SHEET #: 2 OF 4

FILENAME: C:\Users\jacob@vpc\Documents\Projects\2024\4939-50\Drawings\17716\_SitePlan\_Proposed.dwg  
 PLOTFILE: April 01, 2024 4:01:00 PM  
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 SHEETS:

FILENAME: C:\Users\lccolby\appdata\local\temp\acp\planner\_17916\Sheet - Planning - SHEETS - REF: IMAGES: P:\4593\AT\reson\Zoning\Hearing\Board\2002\2002\FAS\_PEMA\_2018.jp2  
 PLUITEE: April 01, 2024 @ 10:03PM

### [2] Design Resources

#### Basic Bus Stop Elements

Bus stop elements are curbside facilities located at a bus stop to provide safe access to the bus service, make the stop visible, and enhance the comfort of waiting passengers.

##### 1 ADA Loading Pad

- Firm and stable surface
- Minimum clear length of 8' measured perpendicular to the roadway
- Minimum clear width of 5' measured parallel to the roadway

##### 2 Informational Signage

- Minimum 2' between the sign support and the curb/edge of the roadway
- Not obstructing pedestrian route
- Mounted on a post (or a shelter) that does not include any traffic control devices

##### 3 Shelter, Bench, Bicycle Parking, Lighting, Trash Receptacle, and other Amenities (optional)

- Locate amenities to ensure they do not obstruct access to the bus stop or the pedestrian access route
- Consider maintenance responsibilities and requirements before installation

##### 4 Accessible Route

- Desirable minimum width of 4' with a required minimum clear width of 3'

##### 5 Accessible Route (through the stop and to destinations)

- Firm, stable, and slip resistant surface
- Desirable minimum width of 5' with a required minimum clear width of 4'

##### 6 Clear Zone for Rear Door and Waiting Area

- Level area free of obstructions to wait for the bus and access the bus via the rear door

##### 7 No Parking Signs or Designation (if applicable)

- No parking may be designated with signs, painted curbs, and/or pavement markings
- Municipalities are responsible for no parking designations

##### 8 Safety Buffer

- Buffer distance between the end of the bus stop zone and a crosswalk, intersection, or driveway

##### Landscaping / Stormwater

- Locate trees, landscape, and stormwater management features to ensure they do not obstruct access for pedestrians or visibility

See Resource Guide Pages 2-33 to 2-30

Building Better Bus Stops Resource Guide Quick Reference

#### SOUTH CENTRAL TRANSIT AUTHORITY NOTES: GUIDELINES FOR BUS STOPS AND BUS SHELTERS (Updated 1/24/2022)

##### CONSTRUCTION OF BUS STOP AND CONCRETE PAD FOR SHELTER

The construction of the bus stop will be done in accordance with local construction requirements and guidelines with consideration of the ADA Standards and Guidelines.

The bus shelter supplier provides specifications for the construction of the concrete pad. The typical pad concrete specifications listed below may be modified based on the requirements of an individual supplier, project need and local construction requirements and guidelines.

- 1 Size of concrete pad will depend on the size of the shelter installed. Example: for a 5 FT x 3 FT shelter the recommended concrete pad measures a minimum of 6 FT x 10 FT.
- 2 Concrete pads to be 3000 PSI concrete 6 inches to 8 inches thick, 3 inch to 4 inch slump and 5 - 7% air entrained.
- 3 1/4 inch gravel - 4 inches to 6 inches deep underlay.
- 4 Fiberglass mesh screen or steel re-bar for re-enforcement.
- 5 Fiber board at perimeter and expansion joints when pad exceeds 12 FT in length.
- 6 Exposed edges to have a 1 inch chamfer.
- 7 Pad surface shall be broom finished.
- 8 Shelters must be grounded as per local electrical codes.
- 9 Minimum 21 day slab cure prior to bus shelter anchor installation.

##### CONSTRUCTION OF BOARDING AND ALIGHTING AREA

The construction of a Boarding and Alighting Area will be done in accordance with local construction requirements and guidelines with consideration of the ADA Standards and Guidelines.

##### ADA STANDARDS AND GUIDELINES

The following information regarding the applicable ADA Standards and Guidelines is provided as a summary reference. The documents referenced below shall be consulted if there are detailed questions or a need for interpretation. Construction and installation that occurs shall be done in accordance with the ADA Standards and Guidelines as described in the reference documents.

##### Boarding and Alighting Area

For an accessible bus stop, SCTA needs a boarding and alighting area for the deployment of a bus ramp that is a minimum of 60 inches long parallel to the roadway and a minimum of 96 inches perpendicular to the roadway from the curb. If the project has a grass strip between the curb and sidewalk, the concrete boarding and alighting area must cover the grass area between the curb and sidewalk.

In order to meet the requirement for a boarding and alighting area at a bus stop, there is typically no need to depress the boarding and alighting area and curb in order for the bus stop area to be level with the street pavement. The boarding and alighting area will be constructed and incorporated as part of the typical construction of the curb and sidewalk.

Parallel to the roadway the slope of the boarding and alighting area is the same as the roadway to the maximum extent practicable. Perpendicular to the roadway the slope is  $\leq 1:48$  (2.1%).

##### Connections

Bus stop boarding and alighting areas and bus shelters shall be connected to streets, sidewalks or pedestrian paths by an accessible route complying with ADA standards.

##### Bus Shelters

The bus shelter shall be connected by an accessible route complying with ADA standards to the bus stop boarding and alighting area.

Clear floor space of  $\geq 30$  inches by  $\geq 48$  inches entirely within the shelter.

One side of the clear floor space shall adjoin an accessible route.

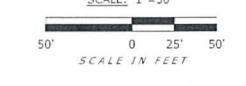
If the clear floor space is confined on any of the three sides, width  $\geq 36$  inches for front approach or length  $\geq 60$  inches for parallel approach.

For the clear floor space, the surface shall be stable, firm and slip resistant and no changes in level  $> 1/4$  inch.

Diagram showing various views and details of bus stop components: Shelter, Bench, Signage, and ADA Loading Pad. Includes dimensions and material specifications.

Site plan showing proposed buildings (E-6 and E-7), parking spaces, drive thru, and bus stop/shelter location. Includes dimensions and zoning designations (C-1, C-2).

##### DRIVE THRU PLAN VIEW



- ##### GENERAL NOTES:
- a. Zoning Code
  - i. The minimum lot size shall be one acre.
  - ii. A vehicle stacking lane area shall be provided which shall have stacking room for at least six vehicles for restaurant uses and at least three vehicles for retail and financial institutions.
  - iii. Vehicle stacking lanes shall be separated from other vehicle circulation lanes and parking areas and the stacking area shall not be counted towards the required parking.
  - iv. Vehicle stacking lanes shall be set back at least 15 feet from the ultimate street right-of-way and shall not be located within a required yard setback.
  - v. Any outdoor microphone and speaker system shall be so designed that sound shall not be transmitted to adjoining properties.
  - vi. Location.
    1. Drive-through windows designed to be on the rear- or side-facing wall of a building are permitted.
    2. The Zoning Hearing Board may permit drive-through windows on the front-facing wall of a building by special exception, in accordance with the following criteria:

DETAILED BUS STOP AND SIGNALIZED INTERSECTION PLAN VIEW  
SCALE: 1"=50'  
SCALE IN FEET

PARK AND RIDE PLAN VIEW  
SCALE: 1"=50'  
SCALE IN FEET

OWNER: TRACT 1 AND TRACT 2 NAME: ELIZABETHTOWN MOUNT JOY ASSOCIATES, LP ADDRESS: 1000 GERMANTOWN RD SUITE A - 2 PLYMOUTH MEETING, PA 19462	OWNER: TRACT 3 AND TRACT 4 NAME: ELIZABETHTOWN MOUNT JOY ASSOCIATES, LP ADDRESS: 1000 GERMANTOWN RD SUITE A - 2 PLYMOUTH MEETING, PA 19462
SOURCE OF TITLE: DEED INSTR. #5160000 LAWC. CO. TAX ACCT.: 461-41555-0-0000	SOURCE OF TITLE: DEED INSTR. #5160001 LAWC. CO. TAX ACCT.: 461-41555-0-0000
OWNER: PREMISE A AND PREMISE B NAME: ELIZABETHTOWN ASSOCIATES ADDRESS: 1000 GERMANTOWN RD SUITE A - 2 PLYMOUTH MEETING, PA 19462	OWNER: PREMISE C AND PREMISE D NAME: ELIZABETHTOWN ASSOCIATES ADDRESS: 1000 GERMANTOWN RD SUITE A - 2 PLYMOUTH MEETING, PA 19462
SOURCE OF TITLE: DEED BK. U. VOL. 71, PG. 21 LAWC. CO. TAX ACCT.: 461-04060-0-0000	SOURCE OF TITLE: DEED BK. U. VOL. 71, PG. 21 LAWC. CO. TAX ACCT.: 461-04060-0-0000

PROJECT NO.: 4939-50  
DATE: APRIL 1, 2024  
DRAWN BY: BRC  
CHECKED BY: BRC  
SCALE: AS NOTED

PROPOSED SKETCH PLAN  
PROPOSED PLAN NOTES AND DETAILS  
FOR  
MOUNT JOY TOWN CENTER  
PENNMARK MANAGEMENT COMPANY  
MOUNT JOY TOWNSHIP  
LANCASTER COUNTY, PENNSYLVANIA

DRAWING #: CG-2991A  
SHEET #: 3 OF 4





# EXHIBIT B

## PROPOSED CONDITIONS

1. As part of its land development plan for the commercial development shown on the plan presented as Exhibit A-\_\_\_ (the “Shopping Center”), Applicant Elizabethtown Mount Joy Associates, L.P. and record owner Elizabethtown Associates (collectively “Applicant”) shall combine the two existing lots identified as Lancaster County Tax Account No. 461-82176-0-0000 and Lancaster County Tax Account No. 461-00468-0-0000 and the portions of Lancaster County Tax Account No. 461-41455-0-0000 and Lancaster County Tax Account No. 461-95417-0-0000 located to the west of the public street to be installed into a single lot (the “Property”).

2. Applicant shall construct a street to be dedicated to the Township across the lands of Applicant from Route 230 (SR 0230) to the northern property line at its sole cost and expense at the approximate location shown on the Mount Joy Township Official Map as shown on the plan submitted as Exhibit A-\_\_\_. Applicant shall also extend the street from its northern property line to the existing terminus of Norlanco Drive within the public street right-of-way described in the Agreement Providing for Grant of Public Right-of-way recorded at Document No. 5640964 in the Office of the Recorder of Deeds. The street within the Property and extending north of the Property to the existing terminus of Norlanco Drive shall hereafter to referred to as the “Norlanco Drive Extension”. Applicant may credit the cost of installing the portion of the Norlanco Drive Extension from its northern property line to the existing terminus of Norlanco Drive toward the impact fees which would be assessed under Chapter 125 of the Code of Ordinances for the development of the Property as shown on the plan presented as Exhibit A-\_\_\_. The Township Engineer shall review and approve the cost of the portion of the Norlanco Drive Extension to the north of the Property and the amount of the impact fee credit. Applicant shall provide financial security to secure completion of the entire Norlanco Drive Extension. The Norlanco Drive Extension shall meet all of the following requirements:

A. The Norlanco Drive Extension shall have a right-of-way width of 50 feet with a wider right-of-way width for necessary turning radii at intersections.

B. The Norlanco Drive Extension shall be completed (other than the final wearing course) prior to the issuance of an occupancy permit for first of the proposed convenience store or supermarket shown on the plan presented as Exhibit A-\_\_\_ (the “First Building”). The final

wearing course for the Norlanco Drive Extension shall be installed within one year after the issuance of an occupancy certificate for the First Building.

C. The Norlanco Drive Extension shall be constructed to the standards of a collector road.

D. Applicant shall reimburse the Township for all costs associated with approvals from the Pennsylvania Department of Transportation (“PennDOT”) for the intersection of the Norlanco Drive Extension and Route 230; acceptance of the Norlanco Drive Extension, and imposition of traffic regulations on the Norlanco Drive Extension.

3. Applicant shall dedicate additional right-of-way along the frontage of Route 230 and Cloverleaf Road to PennDOT or to the Township, as directed by PennDOT. This dedication of additional right-of-way for Route 230 shall be the greater of 50 feet from the centerline between the intersection of Route 230 and Cloverleaf Road and the intersection of Route 230 and Norlanco Drive Extension or the width of additional right-of-way mandated by PennDOT, or the width of the right-of-way necessary to include all improvements required by the Subdivision and Land Development Ordinance which shall include the width necessary to provide a second westbound through lane with a width of 11 feet, a northbound right turn lane with a width of 11 feet, shoulder with a width of eight feet, concrete curb, four feet wide grass strip, and ten feet wide trail. The dedication of additional right-of-way along Cloverleaf Road shall be the greater of 30 feet from the centerline between the intersection with Route 230 and the northern property line or the width of additional right-of-way mandated by PennDOT or the width of the right-of-way necessary to include all improvements required by the Subdivision and Land Development Ordinance. Notwithstanding the foregoing, the ten feet wide trail may be included in an easement or right-of-way in favor of the Township in a form substantially identical to the Agreement Providing for Grant of Pedestrian Easement among GRH-1, LLC, Duane Hernley and the Township recorded at Document No. 6725846 in lieu of being included in the public street right-of-way. Applicant shall install all improvements to Route 230 and to Cloverleaf Road required by PennDOT or required by the Subdivision and Land Development Ordinance, if allowed by PennDOT. It is the intent of this condition that Applicant install at a minimum all improvements required by the Subdivision and Land Development Ordinance unless PennDOT prohibits such work within its right-of-way. Applicant shall not be entitled to any impact fee credit for such work.

4. The northern access point from Cloverleaf Road into the Property shall be right turn in, right

turn out only, and the southern access point into the convenience store shall be right turn in only.

5. The access point from Route 230 into the convenience store shall be right turn in only.

6. Applicant shall, at its sole cost and expense, install all turning lanes, pavement widening, tapering, pavement markings, signage, and other improvements which PennDOT may require as a condition of any highway occupancy permit or traffic signal permit issued to Applicant or to the Township relating to the Property or traffic signals identified in these conditions. Applicant shall not be entitled to any impact fee credit for such work.

7. Applicant, at its sole cost and expense, shall prepare all necessary plans and legal descriptions for the dedication of additional right-of-way for Route 230 and Cloverleaf Road.

8. Applicant shall obtain all necessary highway occupancy permits from PennDOT for access from the Property to Cloverleaf Road, for the intersection of the Norlanco Drive Extension and Route 230. Applicant shall obtain all necessary permits for any storm water management facilities to be installed within the right-of-way of Cloverleaf Road or Route 230 for which the Township must be the permittee before a final plan for the Property is released for recording. Applicant shall submit all applications to PennDOT to the Township for review and comment before submission to PennDOT.

9. Applicant shall, at its sole cost and expense, prepare all plans, specifications, and application for a traffic signal at the intersection of Norlanco Drive Extension and Route 230 the “New Traffic Signal”). Applicant, at its sole cost and expense, shall install the New Traffic Signal. Applicant shall not be entitled to any impact fee credit for the design, permitting, or installation of the New Traffic Signal.

10. Applicant at its sole cost and expense shall prepare all applications necessary for and complete all traffic signal retiming for the traffic signals at the intersection of Route 230 and Cloverleaf Road and at the intersection of Cloverleaf Road and Schwanger Road recommended by its traffic study if such changes are approved by PennDOT. Applicant shall not be entitled to any impact fee credit for such work.

11. The portion of the Property within the Agricultural District may be used only for the front yard setback, the portions of no more than three access drives extending westward from Norlanco Drive Extension into the Property, buffers, and storm water management facilities. No off-street parking facilities or structures may be located in the Agricultural District.

12. All exterior mechanical and/or HVAC equipment shall be roof mounted. Applicant shall design the buildings to limit the visibility of any roof top mechanical equipment from the properties to

the east. This may include architectural treatments which screen such equipment. Applicant shall review the screening design with the Planning Commission as part of the land development approval process.

13. Applicant shall construct the Shopping Center in general conformity with the architectural elevations presented as Exhibits \_\_\_\_\_ at the hearing on \_\_\_\_\_, 2024.

14. The Shopping Center will be provided with public water service and public sewer service.

15. The Shopping Center shall be provided with an automatic fire suppression system.

16. Applicant shall record a final plan to enable development under this decision no later than two years after the date of this Decision. All construction authorized by this Decision shall be completed no later than four years after the date of this Decision. If any person files an appeal from this Decision, the two year period and the four year period shall commence when such appeal is finally decided.

17. Applicant shall obtain all other necessary permits and approvals for the proposed development including, but not limited to, land development approval from the Township, storm water management plan approval from the Township, erosion and sedimentation control approval from the Lancaster County Conservation District and an NPDES permit. Applicant shall demonstrate that Applicant has obtained all required permits prior to the issuance of a zoning permit and Uniform Construction Code permit for the Shopping Center.

18. If PennDOT requires that the Township be the applicant or co-applicant for any permit or approval, Applicant shall enter into an agreement with the Township pursuant to which Applicant shall be responsible for all costs associated with such permit application, completion of all improvements required by such PennDOT approval, and compliance with all conditions on the PennDOT approval. Such agreement shall be recorded and shall bind the Applicant and all future owners of the Property.

19. Applicant shall reimburse the Township for reasonable costs of reviews by the Township Engineer and Township Solicitor of the special exception application and attendance at hearings before the Zoning Hearing Board, and for reasonable costs of review of plans and documents and, if necessary, costs of preparation and recording of the Storm Water Management Agreement, co-applicant agreements, or other documents by the Township Solicitor and for other reasonable fees and costs associated with the special exception application, and Subdivision and Land Development Ordinance, Storm Water Management Ordinance and PennDOT applications and plans and inspection of improvements, within 30 days after receipt of an invoice for such fees.

20. Applicant shall at all times comply with and adhere to the evidence presented to the Zoning Hearing Board at the hearing on \_\_\_\_\_, 2024, except as modified by these conditions. This shall include, but not be limited to, each finding of fact set forth in this Decision.

21. Any violation of the conditions contained in this Decision shall be considered a violation of the Zoning Ordinance and shall be subject to the penalties and remedies contained in the Pennsylvania Municipalities Planning Code.

22. The foregoing conditions shall be binding upon the Applicant Elizabethtown Mount Joy Associates, L.P., record owner Elizabethtown Associates and their respective personal representatives, heirs, successors and assigns.