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**BEFORE THE ZONING HEARING BOARD
OF MOUNT JOY TOWNSHIP
LANCASTER COUNTY, PENNSYLVANIA**

In the Matter of:

Elizabethtown Mount Joy Associates, L.P.

Tax Account Nos. 461-00486-0-0000 and 461-82176-0-0000

Property Address: Northeast Quadrant of the Intersection of St. Rt. 230 and Cloverleaf Rd.

ADDENDUM TO ZONING HEARING BOARD APPLICATION

Elizabethtown Mount Joy Associates, L.P. and Penmark Management Company, Inc. (collectively herein “**Penmark**”), by and through their attorney Craig R. Lewis, Esquire, hereby file this addendum to their Application to the Zoning Hearing Board of Mount Joy Township seeking Special Exceptions in accordance with Section 135-133.(G) and (L) to permit vehicle fueling stations as an accessory use to a convenience store and to permit retail stores in excess of 10,000 square feet, and in support thereof states as follows:

1. **Name and Address of Applicant and Owners.** The Applicant in this matter Elizabethtown Mount Joy Associates, L.P. is an affiliate of Penmark Management Company, Inc. and is the legal owner of the property located at the northeast quadrant of the intersection of Cloverleaf Road and State Route, Elizabethtown, Mt. Joy Township, Lancaster County, PA (“**Property**”).

Owner acquired the Property by Deed dated August 10, 1977, a copy of which is attached hereto as **Exhibit “A”**.

2. **Description of the Property.** The Property is identified as Lancaster County Tax Account numbers 461-00486-0-0000 and 461-82176-0-0000. The Property is an irregularly shaped approximately 22.12 acre (+/-) tract of undeveloped land located at the northeast quadrant of the intersection of Cloverleaf Road and State Route 230 in Mt. Joy Township, Lancaster County, PA. The Property has substantial grade change sloping downward from the Northeast corner to the southwest corner.

3. **Zoning.** In accordance with the Mt. Joy Township Zoning Code (“**Code**”) and Mt. Joy Township Zoning Map, the Property is located in the C-2 Limited Commercial Zoning District (“**C2-District**”).

4. **Improvements to Property.** As depicted on the plan prepared by DC Gohn, entitled “Proposed Site Plan for Mount Joy Town Center”, dated June 14, 2024, consisting of 4 sheets (“**Site Plan**”) a copy of which is attached hereto as **Exhibit “B”**, Pennmark proposes to develop the Property as a retail shopping center (“**Proposed Development**”). As detailed on the Site Plan, the Proposed Development consists of an approximately 5,600 s.f. Wawa convenience store with gas fueling station, a 22,100 s.f, (+/-) ALDI Grocery store¹, an approximately 6,950 s.f. multi-tenant retail building, as well as three retail out parcels; two of which are proposed to have drive-thru facilities. In accordance with Code §135-32 the Proposed Development constitutes a “Shopping Center”.

As also depicted on the Site Plan, access to the Proposed Development is proposed by way of several driveways including a right-in right-out driveway along Cloverleaf Road, a right-

¹ As depicted on the Site Plan, the initial development will propose a 19,650 s.f. Aldi’s grocery store with a possible future expansion of 2,450 s.f.

in only access to Cloverleaf Road, there access drives along proposed Norlanco Extension Road, and one right-in right-out only driveway along State Route 230.

As detailed on the Site Plan, the Proposed Development Complies with all of the applicable area and bulk requirements of the C-2 District, e.g. minimum lot size, maximum impervious coverage, building coverage, building setbacks, building height, and required off-street parking facilities.

5. **Relief Requested.** Applicant hereby requests the following relief to permit the Proposed Development:

Section 135-133.G – a special exception to permit vehicular fuel station in the C-2 District. As depicted on the Site Plan, the Proposed Development includes a proposed convenience store with vehicular fuel station. The proposed vehicular fueling station is a permitted accessory use to the convenience/retail store where an applicant obtains a special exception in accordance with Sections 135-133.G and 135-268.

Section 135-133.L – a special exception to permit retail stores or “shopping center” in the C-2 District in excess of 10,000 s.f. A shopping center is defined as any combination of 3 or more retail uses. The Proposed Development consists of 3 or more retail uses in six buildings totaling 111,350 s.f. and thus constitutes a “shopping Center” in excess of 10,000 s.f. Section 135-133.L permits retail stores and/or shopping centers in excess of 10,000 s.f. in the C-2 district in accordance with criteria set forth in Section 135-256

6. **General Standards and Criteria.**

A special exception is not an exception to a zoning ordinance, but rather is a use to which an applicant is entitled unless objectors demonstrate, according to standards set forth in the zoning ordinance, that the proposed use would adversely affect the community. *Zoning Hearing*

Board of Upper Darby Township v. Konyk, 290 A.2d 715 (Pa. Cmwlth. 1972); *Brentwood Borough v. Cooper*, 431 A.2d 1177 (Pa. Cmwlth. 1981); *Blancett-Maddock v. City of Pittsburgh Zoning Board of Adjustment*, 640 A.2d 498 (Pa. Cmwlth. 1994); *Rapaport v. Zoning Hearing Board of the City of Allentown*, 687 A.2d 29 (Pa. Cmwlth. 1996). The existence of a special exception provision in a zoning ordinance indicates a legislative determination that the use is consistent with the municipality's zoning plan and is a use which is presumptively consistent with the public health, safety and welfare. *In re: Cutler Group, Inc.*, 880 A.2d 39 (Pa. Cmwlth. 2005); *Borough of Perkasi v. Moulton Builders*, 850 A.2d 778 (Pa. Cmwlth. 2004); *Bailey v. Upper Southampton Township*, 690 A.2d 1324 (Pa. Cmwlth. 1997); *Ruddy v. Lower Southampton Township Zoning Hearing Board*, 669 A.2d 1051 (Pa. Cmwlth. 1995); *Evans v. Zoning Hearing Board of Easttown Township*, 396 A.2d 889 (Pa. Cmwlth. 1979). An applicant for special exception only has the burden of establishing that the proposed use complies with the **objective** requirements of the zoning ordinance. *41 Valley Associates v. Board of Supervisors of London Grove Township*, 882 A.2d 5 (Pa. Cmwlth. 2005), *Appeal of Neill*, 634 A.2d 749 (Pa. Cmwlth. 1993).

Once an applicant for a special exception shows compliance with the specific, objective requirements of the zoning ordinance, the burden shifts to the objectors (if any) to prove that there is a high probability that the proposed use will generate adverse impacts not normally generated by the type of use in question and that those atypical impacts pose a substantial threat to the health and safety of the community. *Heck v. Zoning Hearing Board for Harvey's Lake Borough*, 397 A.2d 15 (Pa. Cmwlth. 1979).

Denial of a special exception is not justified by mere speculation as to possible negative effects. *Manor Healthcare Corp. v. Lower Moreland Township Zoning Hearing Board*, 590

A.2d 65 (Pa. Cmwlth. 1991). Rather, after an applicant for special exception establishes that the proposed use complies with the objective requirements for the special exception, it may only be denied if the objectors demonstrate, through competent and substantial evidence, that the impact of the proposed use on the public welfare is greater than that which would be expected from such a use in “normal” circumstances. *Ruddy, supra.*; *New Bethlehem Borough Council v. McVay*, 467 A.2d 395 (Pa. Cmwlth. 1983); *Mann v. Lower Makefield Township*, 634 A.2d 768 (Pa. Cmwlth. 1993); *Dotterer v. Zoning Hearing Board of Upper Pottsgrove Township*, 588 A.2d 1023 (Pa. Cmwlth. 1991).

7. **Specific Criteria:**

Section 135-256 – Retail Stores and/or Shopping Centers in Excess of 10,000 s.f.

Section 135-256 of the Code provides regulations applicable to all retail stores and shopping centers containing a gross floor area in excess of 10,000 s.f. The Proposed Development complies with these requirements as follows:

A. General requirements.

(1) The floor area of a retail store or shopping center that is located in the C-1 District shall not exceed 50,000 square feet of gross floor area.

Not Applicable, the Property is located in the C-2 District.

(2) Not more than 15% of the total development tract utilized for a shopping center use shall be occupied by buildings.

As detailed on the Site Plan, the Proposed Development provides a building coverage of only 12%, thus demonstrating compliance with this requirement.

(3) Individual uses of a shopping center may be located in detached and attached structures and shall include only uses permitted by right or by special exception within the zoning district the shopping center is to be located. Adult-oriented businesses, nightclubs, and manufactured home parks shall not be permitted as part of a shopping center development.

As detailed on the Site Plan, the Proposed Development complies with this requirement.

Additionally, no adult-oriented businesses, nightclubs and/or manufactured home parks are proposed as part of the Proposed Development.

(4) The distance, at the closest point of any two building or groups of units of attached buildings, shall not be less than 20 feet, unless a more stringent separation requirement is specified in this chapter.

As detailed on the Site Plan, the Proposed Development complies with this requirement.

(5) Retail stores and shopping centers furnishing shopping carts or mobile baskets shall provide a definite area or areas on the site for the storage of said items. Storage areas shall be clearly marked and designated for the storage of shopping carts. If such spaces are located within the parking areas, they shall not be counted toward the required minimum off-street parking area.

As detailed on the Site Plan, the Proposed Development provides designated shopping cart storage facilities. These storage facilities are not counted towards the required minimum off-street parking facilities.

(6) Retail stores and shopping centers in excess of 50,000 square feet of gross floor area shall be connected to and use public water and public sewer. The applicant shall present evidence that sewer and water capacity have been obtained or reserved from the applicable provider.

The Proposed Development will be served by public water and public sewer. Evidence of the same will be presented at the hearing in this matter.

(7) Drive-through facilities shall be permitted subject to § 135-255.

The Proposed Development includes drive-thru facilities which comply with the requirements of Section 135-255.

(8) Retail stores and shopping centers shall contain lighting facilities for buildings, signs, accessways, and parking areas shall be provided and arranged in a manner which will protect the highway and neighboring properties from glare or hazardous interference of any kind.

As detailed on the plans entitled “Site Lighting Calculations” prepared by Independence Lighting, dated February 28, 2023, consisting of 8 sheets (“**Lighting Plans**”), a copy of

which is attached hereto as **Exhibit “C”**, the Proposed Development complies with the lighting requirements of this section.

B. Buffer and landscaping requirements

(1) Buffer yards shall be provided along side and rear property lines which are adjacent to a residential district. The buffer yards shall have a width of 80 feet, measured from the side and rear property lines. Required buffer yards may overlap any required yard; and in the case of conflict, the larger yard requirement shall apply. The buffer yard shall be planted with ground cover, trees and shrubs and a landscape screen. The landscape screen shall consist of one row, staggered, of mixed evergreen and deciduous trees, which shall be at least six feet in height when planted and shall not be spaced more than 10 feet apart on center, and two rows, staggered, of mixed broadleaf and needle evergreen shrubs, which shall be at least three feet in height when planted and shall not be spaced more than five feet apart on center. The trees shall be of such species so as to attain a height at maturity of not less than 20 feet. The shrubs shall be of such species as to provide continuous screening from the ground to a height of six feet at maturity. Deciduous plant materials shall comprise no more than 30% of the number of plants in the buffer. Trees shall be planted so that, at maturity, they shall not be closer than 10 feet to any property line.

The side and rear yards of the Property do not abut a residential district and therefore these regulations do not apply. Nonetheless, the Proposed Development includes substantial landscaping proposals which are detailed on plans prepared by Seidel Planning and Design, entitled “Mount Joy Towne Center” dated March 1, 2023 (“**Landscape Plan**”) a copy of which is attached hereto as **Exhibit “D”**.

(2) Parking areas shall not be located within the side or rear buffer yards. A landscape strip and screen shall be provided around the perimeter of all parking areas adjacent to land within a residential district or land which is principally a residential use at the time of application. The landscape strip and screen shall be installed, maintained and contain such materials as required by § 135-299.

As detailed on the Site Plan and Landscape Plan, the Proposed Development complies with these requirements.

(3) If the drainage swales or easements or basins interfere with the buffer or screening areas, the buffers or screens shall be placed further toward the interior of the lot to accomplish the intent of this § 135-256. All buffer areas and landscape areas shall be maintained and kept free of all structures, rubbish and debris. Required plant material located in these areas which

become diseased or dies shall be replaced by the property owner in order to maintain the requirements of this § 135-256B.

As detailed on the Site Plan and Landscape Plan, the Proposed Development complies with these requirements.

C. Traffic Control, access and study requirements.

(1) Any retail store or shopping center in excess of 30,000 square feet shall be required to contain at least two separate points of ingress and egress to the development tract. The development tract shall front on an arterial or collector street, as established by § 135-301 of this chapter.

As depicted on the Site Plan, the Proposed Development provides more than 2 separate points of ingress and egress and the Property fronts on an arterial or collector street, thus satisfying the requirements of this section.

(2) All developers and/or applicants for a retail store or shopping center use that is in excess of 30,000 square feet of gross floor area shall submit a traffic impact study which meets the requirements of Chapter 119, Subdivision and Land Development. The study shall be presented to the Zoning Hearing Board at the time of special exception application.

A traffic study for the Proposed Development was prepared by Grove Miller Engineering, Inc. and is dated February, 2023 (“**Traffic Study**”), a copy of the executive summary of which is attached hereto as **Exhibit “E.”**² The Traffic Study complies with the requirements set forth in the Subdivision and Land Development Ordinance as well as PennDOT regulations.

(3) A retail store or shopping center in excess of 50,000 square feet of gross floor area shall provide an improved bus stop which shall be conveniently accessible for patrons who would travel to and from the site by bus. Such bus stop shall include a shelter, seating, a waste receptacle, and at least one shade tree. The location of the required bus stop shall be reviewed by and be acceptable to the Red Rose Transit Authority. If service is currently unavailable along the subject property, the applicant shall provide a cash escrow fund in lieu of constructing the bus shelter or enter into an agreement with the Township to install such bus shelter at the time bus routes are added or changed to provide access to the retail or shopping center use; such

² Complete copies of the Traffic Study have previously been provided to the Township. Additional electronic or paper copies of the complete study, with all appendices will be provided if requested.

agreement shall be recorded at the Lancaster Recorder of Deeds Office, shall be referenced on the land development plan and shall be in a form acceptable to the Township Solicitor. An easement area shall be designated on the plans for the future location of the bus stop. The easement area shall be reviewed and be acceptable to the Red Rose Transit Authority.

As detailed on the Site Plan, the Proposed Development includes the required bus facilities. Additional details of the bus facilities including approval of the same by SCTA are provided on the plans prepared by Pennmark (“**Transportation Details and Design Incentives**”) which are attached hereto as **Exhibit “F”**.

(4) Any retail store or shopping center in excess of 50,000 square feet of gross floor area that is located within one mile of a Route 283 interchange shall integrate a portion of the required off-street parking spaces for public use as a park-and-ride facility. The facility shall be readily identifiable and conveniently accessible to passing motorists. At least 3% of the parking spaces provided for the use shall be for public use as a park-and-ride area. The Zoning Hearing Board may permit the required number of parking spaces to be provided for public use as a park-and-ride area to be reduced by special exception in accordance with the following criteria.

As detailed on the Site Plan and Transportation Details and Design Incentives, the Proposed Development complies with this requirement.

(5) All retail stores and shopping centers shall contain pedestrian walkways which shall provide safe and convenient pedestrian linkages to any nearby residential-zoned properties and neighborhoods and other commercial or industrial developments.

As detailed on the Site Plan, the Proposed Development provides pedestrian walkways providing safe and convenient pedestrian linkages. Additional details of the proposed pedestrian facilities are included on the plans prepared by Pennmark (“**Streetscape Details**”) which are attached hereto as **Exhibit “G”**.

D. Building design and architectural considerations.

(1) All retail stores and shopping centers shall be constructed in accordance with an overall plan and shall be designed as a single architectural style with appropriate landscaping. Retail stores and shopping centers that are located in the C-1 District shall contain an architectural style that is reminiscent of the residential and rural areas of the Township which are located in close proximity to the C-1 Zoning District. A "Commercial Village" style of development shall be utilized to the greatest extent possible in the C-1 District.

As noted above, PennMark has prepared various detail plans, identified as Exhibit “F” and Exhibit “G”, which include architectural sketches of the Proposed Development as well as details of the other facilities to be provided within the proposed Development. In addition thereto, attached hereto as Exhibit “H” is an architectural plan prepared by Hex9 Architects, dated February 28, 2023 (“**Elevation**”). Collectively, along with testimony to be presented at the hearing in this matter, demonstrate compliance with this requirement.

(2) Whenever an individual building of 30,000 square feet of gross leasable floor area or greater on the ground floor is proposed, the applicant shall provide for all of the following building design elements:

(a) The building shall not have a flat roof, unless it has a parapet wall screening all mechanical equipment from public view along streets and sidewalks; and

(b) The length of the façade of any new building which exceeds 32 feet in length shall have vertical design elements, such as pilasters, columns, piers, or recesses or projections of one to four feet, so that no new vertical bay or section of a building façade exceeds 32 continuous feet in length

Compliance with these requirements is demonstrated by the Site Plan as well as the Exhibit “F” and the Elevation attached as Exhibit “H”.

E. Design incentives for shopping centers.

(1) Purpose and intent. In accordance with § 603(c)(6) of the MPC,[1] this § 135-256E provides an optional set of design standards that can be applied to shopping centers which increase the permissible density. These optional design standards seek to achieve a "Main Street Environment" that is pedestrian oriented. All of the design standards are vital if this environment is to be achieved. Should developers opt to utilize these standards, the opportunity for substantial density bonuses exist, and are, therefore, considered voluntarily self-imposed by prospective developers, but are enforceable by the Township. The substantial density bonuses have been provided to offset the increased costs of providing a "high-quality" development that features aesthetically appealing building and streetscape design with authentic construction materials (e.g., stone, brick, wood, slate), abundant and diverse native landscape materials, and other streetscape and public amenities often overlooked within contemporary suburban shopping centers.

As detailed in Exhibits “F” and “G” the Proposed Development is consistent with the intent of this section and satisfies the requirements necessary to achieve the below noted design incentives.

(2) Purposes and goals. In addition to the purposes and community development objectives identified in Article II of this chapter, the following purposes shall apply to this § 135-256E:

(a) Enhance the existing commercial areas with additional amenities and improvements to the streetscape and design of commercial buildings.

(b) Provide multi-modal transportation opportunities including mass transit facilities, pedestrian trail connections and sidewalk connections.

(c) Encourage a mix of uses with a focus on shopping and retail with community facilities including, green spaces, plazas, promenades and other gathering places.

(d) Foster a commercial-village or main street type of environment and not strip commercial development.

(e) Devise techniques to limit and/or tame big-box retail uses so they do not dominate the remaining landscape of the commercial areas of the Township.

As noted above, and will be address through direct testimony at the hearing, the Proposed Development satisfies the purposes and goals of the noted shopping center design incentives. Details on compliance with Section 135-256.E are set forth in Exhibit “F” and Exhibit “G”.

(3) This § 135-256E has different land use and design requirements from those contained in this and other ordinances of the Township. To the extent the regulations within this section differ (are more or less restrictive) from others, those within this section shall govern. However, all other provisions for retail stores and shopping centers identified in § 135-256, and any other applicable Township ordinance provision that is not specifically addressed by this section shall remain in full affect. The developer shall state his/her intent to utilize these optional design guidelines at the time of submitting an application for special exception approval for a shopping center.

(4) Developers may choose to implement any or all of the design incentives in this § 135-256E. Specific incentives are available for each item that is utilized.

(5) A manual of written and graphic design guidelines shall be prepared by all applicants to detail the streetscape, landscape, and building design features of any development utilizing the optional design standards of this section. This manual shall be presented to the Zoning Hearing Board with the application for a special exception

The required manual and written and graphic guideline are attached hereto as Exhibit “G”.

(6) Streetscape details. Developments that comply with all of the following requirements shall be eligible to increase the maximum impervious coverage by an additional 5%. A developer desiring to use the streetscape design incentive must present evidence to the Zoning Hearing Board as part of the special exception application that the developer will meet all of the following requirements for the design incentive:

(a) Sidewalks.

[1] Sidewalks shall be provided parallel to the street right-of-way. If a new street is proposed that divides the subject property, or the developer owns an adjacent lot across an existing street from the subject property, sidewalks shall be constructed on both sides of the street.

[2] All sidewalks that provide access to storefronts shall be at least eight feet in width; all other sidewalks shall be a minimum width of five feet in width. Outdoor seating for cafes should be limited to patios or plazas or otherwise situated that a four-foot clearance width on sidewalks will be provided.

[3] All sidewalks shall be constructed of either brick, stone, precast ornamental concrete pavers, poured-in-place concrete, or patterned poured concrete.

[4] When constructed of poured-in-place concrete, control joints shall be provided at intervals no greater than 36 inches. All concrete sidewalk surfaces shall be divided across their width into at least two sections formed by control joints. The primary surface of concrete shall have a broom finish and an area two inches in width, parallel to the control joints, shall have a smooth-troweled finish

Compliance with the design incentive requirements is detailed in the written and graphic guidelines attached hereto as Exhibit “G”.

(b) Planting strips. Planting strips shall be provided parallel to the street right-of-way between the required concrete curb and sidewalk. Planting strips shall be a minimum of five feet wide and shall include a variety of seasonal plantings and street trees in accordance with the following requirements:

[1] Street trees shall be provided at regular intervals along the street right-of-way, including any internal streets and access drives to the development.

[2] One street tree shall be provided for every 50 linear feet of lot frontage abutting each side of a right-of-way.

[3] Street trees, at the time of planting, shall be no less than three to 3 1/2 inches in caliper and shall be in accordance with the latest edition of the American Standard for Nursery Stock of the American Association of Nurserymen.

[4] All street trees shall be one of the following species or cultivars:

Compliance with the Planting Strips design incentive requirements is detailed in the written and graphic guidelines attached hereto as Exhibit “G”.

(c) Curbs.

[1] Concrete curbs shall be provided along the edge of a street cartway. If a new or existing street divides the development tract, concrete curbs shall be provided on both sides of the road.

[2] All curbs shall be in accordance with Township specifications.

Compliance with the curbing requirements of the design incentive requirements is detailed in the written and graphic guidelines attached hereto as Exhibit “G”.

(d) Pedestrian crosswalks.

[1] Pedestrian crosswalks shall be provided at the following locations:

[a] All new street intersections.

[b] At any location where a bicycle path, walking trail or other pedestrian way crosses a street, access drive or other vehicular way.

[2] Pedestrian crosswalks shall be no less than six feet in width.

[3] Pedestrian crosswalks shall conform to PennDOT specifications.

[4] If the pedestrian crosswalk is at an intersection controlled by a traffic signal, pedestrian signals shall be installed and maintained to help ensure pedestrian safety.

Compliance with the Pedestrian crosswalk design incentive requirements is detailed on the Site Plan as well as in the written and graphic guidelines attached hereto as Exhibit “G”.

(e) Pedestrian-scaled, ornamental streetlights along new streets and accessways

[1] Pedestrian-scaled, ornamental streetlights shall be provided at regular intervals along both sides of any internal street, access drive and pedestrian walkways within the proposed development.

[2] One pedestrian-scaled, ornamental streetlight shall be provided for every 100 to 150 linear feet of parcel frontage abutting each side of a right-of-way.

[3] Pedestrian-scaled, ornamental streetlights, when installed, shall be no taller than 20 feet measured from the mounting surface to the top of the fixture.

[4] Pedestrian-scaled, ornamental streetlights, when installed, shall be at least 12 feet in height measured from the mounting surface to the top of the fixture.

[5] Pedestrian-scaled, ornamental streetlights fixtures shall be Spring City Electrical Manufacturing Company, Villa model, or approved equal.

[6] Pedestrian-scaled, ornamental streetlights shall have a matte black finish.

Compliance with the Pedestrian scaled, ornamental streetlights design incentive is detailed in the written and graphic guidelines attached hereto as Exhibit “G”.

(f) Benches. Benches shall be provided along all streets and pedestrian walkways that are adjacent to storefronts and are intended to increase pedestrian activity and enhance the character of the town center development. One bench shall be provided for every 200 feet of linear street or pedestrian way that provides access to storefronts in the development. Benches need not be evenly distributed throughout the development.

Compliance with the benches design incentive requirements is detailed in the written and graphic guidelines attached hereto as Exhibit “G”.

(g) Building setbacks from streets. 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.

Compliance with the building setbacks component of the design incentive requirements is detailed on the Site Plan and in the written and graphic guidelines attached hereto as Exhibit “G”.

(7) Main Street design incentive. Developments that comply with all of the following requirements shall be eligible to increase the maximum building coverage by an additional 5%.

Applicant is not seeking the incentives offered by the Section of the Code.

(8) Building façade design incentive. Developments that comply with all of the following requirements shall be eligible to increase the maximum building coverage by an additional 5%. A developer desiring to use the building façade design incentive must present evidence to the Zoning Hearing Board as part of the special exception application that the developer will meet all of the following requirements for the design incentive:

Applicant is not seeking the incentives offered by the Section of the Code.

Section 135-268 – Vehicular Fueling Stations

Section 135-268 of the Code provides regulations applicable to all vehicular fueling stations retail stores and shopping centers containing a gross floor area in excess of 10,000 s.f.

The Proposed Development complies with these requirements as follows:

A. The minimum lot area shall be 1/2 acre.

As depicted on the Site Plan the Property exceeds this requirement.

B. Vehicular fueling stations shall be connected to public water and sewer.

The Proposed Development will be served by public water and public sewer.

C. A minimum lot width of 125 feet at the minimum building setback line shall be provided.

As detailed on the Site Plan the Property exceeds this requirement.

D. All activities except those to be performed at the fuel pump shall be performed in a completely enclosed building.

The Proposed Development will comply with this requirement.

E. Fuel pumps and canopies shall be located at least 20 feet from the street right-of-way line.

As detailed on the Site Plan, the fuel canopies and fuel pumps satisfy this requirement.

F. All vehicle parts, equipment, lubricants, fuel and similar articles shall be stored within a completely enclosed building.

The Proposed Development will satisfy this requirement by requiring all vehicle parts, equipment, lubricants, fuel and similar articles to be stored completely within an enclosed building.

G. All junk and refuse shall be stored within a completely enclosed building or area. All discarded vehicle tires shall be stored in a completely enclosed area in such a manner so as to prevent the accumulation of stagnant water and the breeding of insects. Such storage area shall be so designed as to permit the flow of air, but shall prevent the tires from being visible to passersby.

The Proposed Development will comply with this requirement.

H. Lubrication, oil changes, tire changes and minor repairs shall be permitted if performed entirely within an enclosed building.

The Proposed Development will comply with this requirement.

- I. Motor vehicles shall not be stored outdoors while awaiting repairs for more than seven days.

The Proposed Development will comply with this requirement.

- J. The storage or parking of junked, abandoned or dismantled vehicles or vehicles that do not have current inspection and license stickers shall not be permitted.

The Proposed Development will comply with this requirement.

- K. All applicable permits shall be obtained for the underground storage of fuel.

The Proposed Development will comply with this requirement.

- L. The site must front upon and gain access from a collector or arterial road as designated in § 135-301 herein.

As detailed on the Site Plan and discussed above, the Proposed Development complies with this requirement.

As will be demonstrated further through evidence and testimony at the hearing in this matter, the Proposed Development complies with the objective requirements applicable to the requests for special exceptions in accordance with Sections 135-133.G and 135-133.L as set forth in Sections 135-268 and 135-256 respectively.

WHEREFORE, Applicant requests that the Zoning Hearing Board grant the requested Special Exceptions in accordance with Sections 135-133.G and 135-133.L of the Mt Joy Township Zoning Ordinance.

Respectfully Submitted,



CRAIG R. LEWIS, ESQUIRE
Attorney for Applicant

Date: June 17, 2024

EXHIBIT “A”
Deed

EXHIBIT “B”
Site Plan

EXHIBIT “C”

Lighting Plan

EXHIBIT “D”

Landscape Plan

EXHIBIT “E”

Traffic Study

EXHIBIT “F”

Transportation Details and Design Incentives

EXHIBIT “G”

Streetscape Details

EXHIBIT “H”

Architectural Rendering