



McNees Wallace & Nurick LLC
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Harrisburg, PA 17108-1166

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August 6, 2024

VIA HAND DELIVERY AND E-MAIL

Justin Evans
Manager/Zoning Officer
Mount Joy Township
8853 Elizabethtown Road
Elizabethtown, PA 17022

**RE: Sheetz, Inc.
Zoning Hearing Board Application
Our File No. 19504-0021**

Dear Justin:

We represent Sheetz, Inc. ("Sheetz"), which is the equitable owner of a 2.171-acres of land located along Veterans Drive in Mount Joy Township ("Township") and identified as Lancaster County Tax Parcel ID Number 460-79623-0-0000 with an address of 50 Veterans Drive ("Property"). The Property is located in the Township's Mixed Use District ("MU District"). Sheetz intends to redevelop the Property to construct and operate a modern convenience store with fuel sales ("Proposed Development"). In connection with the Proposed Development, Sheetz is requesting zoning relief from the Township's Zoning Hearing Board ("Board"), in the form of a special exception from Section 135-143 of the Mount Joy Township Zoning Ordinance of 2012 to permit the use of a vehicular fueling station on the Property.

Enclosed in support of Sheetz's request are the following:

- 1) Six (6) copies of the Mount Joy Township Zoning Hearing Board Application;
- 2) Six (6) copies of the narrative providing justification for the requested relief;
- 3) Six (6) copies of the existing conditions plan prepared by RGS Associates;
- 4) Six (6) copies of the site plan prepared by RGS Associates; and
- 5) A check in the amount of \$750.00 made payable to Mount Joy Township for the filing fee.

We request that the enclosed Application be placed on the Board's agenda for September 4, 2024. At the meeting, Applicant will present testimony and additional evidence to provide justification for the requested relief. It is our understanding that the Township will provide appropriate public notice and post the Property as required under the Pennsylvania Municipalities Planning Code. We also request that the Township arrange to have a stenographer present at the Board meeting.

Justin Evans
August 6, 2024
Page 2

Please confirm placement of the enclosed Application on the September 4, 2024, Board agenda. Please do not hesitate to contact me if you have any questions or need any further documentation.

Sincerely,



Adam DeBernardis
MCNEES WALLACE & NURICK LLC

c: Jessica Strittmatter, P.E. (via e-mail w/ encls.)
Chris Venarchick, P.E. (via e-mail w/ encls.)

RECEIVED

ZHB Case # 240011

Aug 07 2024

MOUNT JOY TOWNSHIP

Mount Joy Township

8853 Elizabethtown Rd
Elizabethtown, PA 17022
Phone: (717)367-8917 - Fax: (717)367-9208

Zoning Hearing Board Application

1. Applicant Information

Name: Sheetz, Inc.

Address: 5700 6th Avenue City/State/Zip: Altoona, PA 16602

Phone: (814)239-6018 Fax: _____

E-mail: _____

2. Landowner Information (if different from the Applicant)

Name: Applicant is equitable owner

Address: _____ City/State/Zip: _____

Phone: _____ Fax: _____

E-mail: _____

3. Property Information

Property Address: 50 Veterans Drive

City/State/Zip: Elizabethtown, PA 17022

Existing Use: See attached narrative Proposed Use: See attached narrative

Total Property Area (Sq. Ft. or Acres): 2.171

FOR TOWNSHIP USE ONLY

Date Application Received: August 7, 2024

Date Application to be heard: September 4, 2024

Tax Parcel #: 460-79623-0-0000

Zoning District: Mixed Use (MU)

Application Denied/Approved: _____

4. Request for Special Exception

Section(s) of Zoning Ordinance for which a Special Exception is requested:

Please see attached narrative.

Provide an explanation of your proposal, particularly, why you need a special exception and for what type of use the special exception is being requested for:

Please see attached narrative.

This site is suitable for a Special Exception Use because:

Please see attached narrative.

How will the request affect adjacent properties? (Dust, noise, fumes, odors, glare, increased traffic, character of the neighborhood etc.):

Please see attached narrative.

5. Expansion of Special Exception Uses

Are there any existing nonconformities on the lot, if so list them:

N/A

Existing and proposed square footage of the structure:

N/A

Percentage of Expansion:

N/A

Existing front, side and rear yard setbacks:

N/A

Proposed front, side and rear yard setbacks:

N/A

6. Request for a Variance

Section(s) of the Zoning Ordinance for which a Variance is requested:

N/A

Why do you need a variance and what is your proposed alternative from the requirements of the Township Zoning Ordinance?

N/A

What physical characteristics of the property prevent it from being used for any of the permitted uses in your zoning district? (Topography, size and shape of lot, environmental constraints, etc.):"

N/A

Explain how the requirements of the Zoning Ordinance would result in difficulties or undue hardships in the use of your property, buildings and/or structures:

N/A

Explain how the granting of a variance will not be a substantial detriment to the public good or a substantial impairment of the intent and purpose of the Zoning Ordinance:

N/A

7. Certification

I/we, the undersigned, do hereby certify that:

1. The information submitted here in is true and correct to the best of my/our knowledge and upon submittal becomes public record.
2. Fees are not refundable, and payment does not guarantee approval of the Zoning Hearing Board Application.
3. All additional required written graphic materials are attached to this application



Applicant Signature Counsel for Applicant Date Signed 08/07/2024

Adam DeBernardis, Esq.
Applicant's Name (Printed)

Landowner Sign (if different from Applicant) Date Signed
Applicant is equitable owner

Landowner's Name (Printed)
Applicant is equitable owner

McNees Wallace & Nurick LLC

Payee: 03638 - MOUNT JOY TOWNSHIP

Check Date: 08/07/2024 Check #: 3018583

<u>Invoice Date</u>	<u>Invoice No.</u>	<u>Invoice Description</u>	<u>Amount</u>
08/07/2024	20240807	Zoning Hearing Board Application Fee	\$750.00

Detach at Perforation Before Depositing Check

Check Total: \$750.00

ORIGINAL DOCUMENT PRINTED ON CHEMICAL REACTIVE PAPER WITH MICROPRINTED BORDER

McNees Wallace & Nurick LLC
 100 Pine Street, PO Box 1166
 Harrisburg, PA 17108-1166

PNC BANK
 SOUTH CENTRAL PA
 60-1273/313

Check #: 3018583

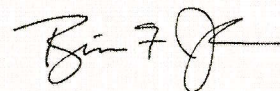
Date: 08/07/2024

Amount: \$*****750.00

VOID AFTER 180 DAYS

Pay: SEVEN HUNDRED FIFTY AND 00/100 dollars

Pay To: MOUNT JOY TOWNSHIP
 902 HOFFMAN HOME RD
 GETTYSBURG, PA 17325



THIS DOCUMENT CONTAINS HEAT SENSITIVE INK. TOUCH OR PRESS HERE - RED IMAGE DISAPPEARS WITH HEAT.

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Details on back. Security Features Included.

**ZONING HEARING BOARD APPLICATION NARRATIVE
MOUNT JOY TOWNSHIP
SHEETZ, INC.**

I. INTRODUCTION

Sheetz, Inc. (“Applicant”) intends to redevelop approximately 2.171-acres of land located along Veterans Drive (T-301) between Hershey Road (S.R. 0743) and Old Hershey Road in Mount Joy Township (“Township”), being Lancaster County Tax Parcel ID Number 460-79623-0-0000, with an address of 50 Veterans Drive, Elizabethtown, Lancaster County, Pennsylvania (“Property”). An aerial image of the Property is attached hereto as Exhibit A. The Property is currently developed with a single-story commercial building with two restaurants and is located in the Township’s Mixed Use District (“MU District”).

In connection with the proposed redevelopment of the Property as described in this Narrative and depicted on the enclosed site plan prepared by RGS Associates, the Applicant requests a special exception from the Township’s Zoning Hearing Board (“Board”) pursuant to Section 135-143 of the Mount Joy Township Zoning Ordinance of 2012 (“Zoning Ordinance”), to permit the use of a vehicular fueling station on the Property. Additionally, if the special exception is granted, Applicant also requests that Board extend the approval of the special exception for an additional one (1) year period, pursuant to Section 135-383.B(7).

II. PROPERTY

As mentioned, the Property is in the MU District, and located on the south side of Veterans Drive, the west side of Hershey Road, and the east side of Old Hershey Road. Although the Property has frontage along all three aforementioned streets, access to the Property is limited to Veterans Drive and Old Hershey Road. The Property is surrounded by residential uses to the west, and a variety of commercial and institutional uses to the south, east, and north. Additionally, the Township’s High Density Residential District is to the west of the Property, across Old Hershey Road.

The Property consists of one previously developed lot, approximately 2.171-acres, with a single-story building, and is the location of the PizzAtown and Ferrarelli House of Wine, both are restaurants with parking and associated improvements, including a drive thru window. Additionally, the northeast corner of the Property has existing wetlands and a rip-rap apron, and is subject to a conservation easement with the Township recorded at Instrument Number 6054888.

III. PROPOSED FACILITY

Applicant desires to redevelop the Property as depicted on the concept plan, prepared by RGS Associates, which is attached hereto as Exhibit B (“Concept Plan”). Applicant intends to redevelop the Property to construct and operate a convenience store with fuel sales (“Proposed Use”). As part of its operation, the Applicant intends to sell prepackaged food and beverage products, household items, energy products, and other goods commonly associated with the same, as well as serve prepared food and beverages. Customers will be able to consume food and beverages either onsite at indoor or outdoor dining areas, or off-site. The Applicant intends to supply and sell gasoline or other equivalent fuel for motor vehicles at retail cost, directly from fuel pumps. Finally, the facility will be open 24-hours per day, seven days per week and will have approximately seven (7) employees on the premises on its largest shift.

As part of the Property’s redevelopment, Applicant plans to demolish the existing commercial building and construct an approximately 6,132-square foot (gross floor area), one-story commercial building with 43 parking spaces and six (6) fueling pumps, each with two (2) fueling nozzles. No development is proposed within the mentioned conservation easement. To facilitate the vehicular fueling stations on the Property, Applicant respectfully requests the Board grant a special exception pursuant to Section 135-143 of the Zoning Ordinance.

IV. REQUESTS FOR RELIEF

A. Special Exception Pursuant to Section 135-143

A special exception is not an exception to a zoning ordinance, but instead, is a use which is expressly permitted, absent a showing of a detrimental effect on the community. *Greaton Props. v. Lower Merion Twp.*, 796 A.2d 1038, 1045 (Pa. Cmwlth. 2002). The fact that a use is permitted as a special exception evidences a legislative decision that the particular type of use is consistent with the zoning plan and presumptively consistent with the health, safety, and welfare of the community. *Abbey v. Zoning Hearing Bd. Of East Stroudsburg*, 559 A.2d 107, 109 (Pa. Cmwlth. 1989).

Accordingly, a special exception that satisfies the objective standards of a zoning ordinance must be granted unless opponents present sufficient evidence that the use will generate adverse impacts not normally generated by this type of use and that these impacts will pose a substantial threat to the health and safety of the community. *Greaton Props*, 795 A.2d 1045-46. Such evidence cannot consist of mere speculation, bald assertions, or personal opinions and perceptions of the effect of the use on the community. *Sunnyside Up Corp. v. City of Lancaster Zoning Haring Bd.*, 739 A.2d 644, 650

(Pa. Cmwlt. 1999). Rather, opponents must demonstrate that there is a high degree of probability that the use will cause a substantial harm that is not normally associated with the Proposed Use. *Ruddy v. Lower Southampton Twp. Zoning Hearing Bd.*, 669 A.2d 1051, 1057 (Pa. Cmwlt. 1995).

The Zoning Ordinance establishes three sets of criteria that an applicant requesting a special exception to operate vehicular fueling stations must establish by credible evidence to be eligible for relief, which are outlined¹ and discussed below:

1. Mixed Use District Requirements (Section 135-145)

Section 135-145.A Minimum lot area for nonresidential uses. The minimum lot area for nonresidential uses shall be 10,000 square feet.

As depicted on the Concept Plan, the Property is approximately 2.171-acres, or 94,500 square feet, which exceeds the 10,000 square feet minimum.

Section 135-145.C.(1) Minimum lot width. The minimum lot width for all uses shall be as follows: The minimum lot width for single-family detached dwellings and nonresidential principal buildings shall be 75 feet at the building setback line.

As depicted on the Concept Plan, the Property’s lot width exceeds the 75 feet minimum at the building setback line.

Section 135-145.D Minimum lot depth. The minimum lot depth shall be 125 feet.

As depicted on the Concept Plan, the Property’s lot depth exceeds the 125 feet minimum.

Section 135-145.E.(1)(a) The minimum front yard building setback line from all streets shall be 35 feet from the ultimate street right-of-way as designated by § 135-301, unless a more stringent setback requirement applies for a particular use.

As depicted on the Concept Plan, the front yard setback line from all streets exceeds the 35 feet minimum.

¹ Non-applicable criteria are omitted from this Narrative.

Section 135-145.E.(2)(a)

All nonresidential buildings, loading areas and outdoor storage areas shall be set back at least 15 feet from each side lot line. All off-street parking lots shall be set back at least 10 feet from each side lot line. If joint parking facilities are shared by adjoining uses, one of the side yard setbacks can be waived solely for parking and/or loading facilities.

As depicted on the Concept Plan, no loading areas or outdoor storage areas are within 15 feet of a side lot line. Additionally, all off-street parking lots are setback back at least 10 feet from each side lot line.

Section 135-145.E.(3)(a)

The rear yard minimum depth for all uses shall be 25 feet.

As depicted on the Concept Plan, the rear yard depth exceeds the 25 feet minimum for the use.

Section 135-145.E.(3)(c)

Off-street parking lots, loading areas and outdoor storage areas shall be set back at least 15 feet from the rear lot line.

As depicted on the Concept Plan, off-street parking and outdoor storage areas are setback greater than the 15 feet minimum.

Section 135-145.F.(1)(a)

Maximum lot coverage. Maximum building coverage. The total building coverage for nonresidential uses shall not exceed 50%.

As depicted on the Concept Plan, the proposed building coverage is approximately 6.5%, and below the 50% maximum.

Section 135-145.F.(2)(a)

The total impervious coverage for nonresidential uses shall not exceed 65%.

As depicted on the Concept Plan, the proposed impervious coverage is approximately 60.7%, and below the 65% maximum.

Section 135-146.A

The minimum height for all principal buildings shall be 20 feet.

Applicant's proposed building will be at least 20 feet in height, but less than 40 feet in height, and meets the minimum requirement.

Section 135-146.B

An additional side yard setback of one foot shall be provided for every two feet, or fraction thereof, increase in height above 40 feet, except as set forth below...

Acknowledged, Applicant is not proposing to have a building greater than 40 feet in height.

Section 135-147.A

All uses shall comply with Article XXIII, General Regulations.

Acknowledged, and, where feasible, depicted on the Concept Plan, Applicant’s Proposed Use will comply with all applicable sections of Article XXIII, General Regulations, including access requirements (Section 135-294), lighting regulations (Section 135-298), landscaping and screening requirements (Section 135-299), riparian corridors and setback requirements (Section 135-306), wetlands (Section 135-307), traffic impact study (Section 135-310), fences and walls (Section 135-315), unenclosed storage (Section 135-325), and performance and design standards (Section 135-326). Applicant will provide a lighting plan as required pursuant to Section 135-298. Additionally, as depicted on the Concept Plan, the proposed location of the trash dumpster is in the rear yard and screened with a fence setback 10 feet from the adjoining property line. Finally, as mentioned, a conservation easement exists on the Property, and no development is proposed within the conservation easement.

Section 135-147.B

All uses shall comply with Article XXIV, Sign Regulations.

Acknowledged, any and all of Applicant’s signs will comply with all applicable sections of Article XXIV, Sign Regulations.

Section 135-147.C

All uses shall comply with Article XXV, Parking Regulations.

Acknowledged, and, where feasible, depicted on the Concept Plan, Applicant will comply with all applicable sections of Article XXV, Parking Regulations. Pursuant to Section 135-343, the minimum number of off-street parking spaces required for the Proposed Use is 38 spaces. The Concept Plan depicts 43 off-street parking spaces.

2. Specific Criteria for Vehicular Fueling Stations (Section 135-268)

Section 135-268.A

The minimum lot area shall be 1/2 acre.

As depicted on the Concept Plan, and mentioned above, the Property is approximately 2.171-acres and exceeds the 1/2 acre minimum.

Section 135-268.B **Vehicular fueling stations shall be connected to public water and sewer.**

The Property is currently served with and connected to public water and sewer.

Section 135-268.C **A minimum lot width of 125 feet at the minimum building setback line shall be provided.**

As depicted on the Concept Plan, the Property's lot depth exceeds the 125 feet minimum.

Section 135-268.D **All activities except those to be performed at the fuel pump shall be performed in a completely enclosed building.**

As discussed above, except for the vehicular fueling stations, the proposed primary use is a convenience store, which is conducted entirely within the enclosed building. No vehicle maintenance or vehicle repairs will be offered or occur at the Property.

Section 135-268.E **Fuel pumps and canopies shall be located at least 20 feet from the street right-of-way line.**

As depicted on the Concept Plan, the fueling pumps and the canopy are located in excess of 20 feet from all street right-of-way lines.

Section 135-268.F **All vehicle parts, equipment, lubricants, fuel and similar articles shall be stored within a completely enclosed building.**

As mentioned, no vehicle maintenance or vehicle repairs will be offered at the Property. Similarly, any sales of goods and merchandise will occur within the building depicted on the Concept Plan. Propane tank exchanges and sales will be offered, but the tanks will be stored in a propane locker adjacent to the building.

Section 135-268.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.**

As mentioned, no vehicle maintenance or vehicle repairs, including tire replacement, will occur on the Property. Any garbage and refuse will be stored in a dumpster within a dumpster enclosure as depicted on the Concept Plan.

Section 135-268.H Lubrication, oil changes, tire changes and minor repairs shall be permitted if performed entirely within an enclosed building.

Acknowledged, but as mentioned, no vehicle maintenance or vehicle repairs, including lubrication, oil changes, tire changes, and minor repairs, will occur at the Property.

Section 135-268.I Motor vehicles shall not be stored outdoors while awaiting repairs for more than seven days.

As mentioned, no vehicle maintenance or vehicle repairs, and no vehicle storage for vehicles awaiting repair will occur on the Property.

Section 135-268.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.

No vehicle storage of any kind will occur on the Property.

Section 135-268.K All applicable permits shall be obtained for the underground storage of fuel.

Acknowledged, Applicant will obtain all required permits for the underground storage of fuel and, if required, provide any copies to the Township.

Section 135-268.L The site must front upon and gain access from a collector or arterial road as designated in § 135-301 herein.

As depicted on the Concept Plan, the Property fronts and has access to Veterans Drive (T-301), and pursuant to Section 135-301, Veterans Drive is a Collector Road.

3. General Standards for Special Exceptions (Section 135-383.B)

Section 135-383.B(1) Compliance with this chapter. The applicant shall establish by credible evidence compliance with all conditions on the special exception enumerated in the section which gives the applicant the right to

seek the special exception. The applicant shall provide the Board with sufficient plans, studies or other data to demonstrate compliance with all applicable regulations.

As depicted on the Concept Plan and outlined in this Narrative, Applicant complies with the specific criteria for vehicular fueling stations set forth in Section IV.2 of this Narrative.

Section 135-383.B(2)

Traffic and public services. The applicant shall establish by credible evidence that the proposed special exception shall be properly serviced by all existing public service systems. The peak traffic generated by the subject of the application shall be accommodated in a safe and efficient manner or improvements made in order to effect the same. Similar responsibilities shall be assumed with respect to other public service systems, including but not limited to police protection, fire protection, utilities, parks and recreation. If the Proposed Use or development is estimated to generate more than 1,000 daily trips or more than 100 a.m. or p.m. peak hour trips using accepted engineering standards such as the ITE Trip Generation Manual, the applicant shall provide a traffic study meeting all requirements of Chapter 119, Subdivision and Land Development, § 119-32C(5).

Access to the Property will occur through Veterans Drive and Old Hershey Road. Both access points are designed for two-way traffic and are 35 feet in width or wider. These access points can accommodate police, fire and ambulance services. Additionally, as mentioned, the Property is served by public water and sewer. Finally, if necessary, Applicant will provide a traffic study as required by Chapter 119, Section 119-32.C(5).

Section 135-383.B(3)

Site planning. The applicant shall establish by credible evidence that the proposed special exception shall be in and of itself properly designed with regard to internal circulation, parking, buffering and all other elements of proper design as specified in this chapter and any other governing law or regulation.

The Concept Plan demonstrates proper design and compliance with applicable provision of the Zoning Ordinance, including, and without limitation, proper internal circulation, landscaping, and screening.

Section 135-383.B(4)

Neighborhood. The proposed special exception shall not substantially injure or detract from the use of neighboring property or from the character of the neighborhood, and the use of property adjacent to the area included in the special exception application shall be adequately safeguarded.

Applicant's Proposed Use will not substantially injure or detract from the use of neighboring properties or the character of the neighborhood. As depicted on the Concept Plan, Applicant complies with all required setbacks and other dimensional requirements. The Property is located in the MU District and the Proposed Use is in line with the purpose of the MU District. Additionally, the current use of the Property is for two restaurants, one with a drive thru, is quite similar to the food service aspect of the Proposed Use. Furthermore, a similar use, Turkey Hill, operates just a short distance south of the Property.

Section 135-383.B(5)

Safety. The applicant shall establish by credible evidence that the Proposed Use will not create a significant hazard to the public health and safety, such as fire, toxic or explosive hazards.

Vehicular fueling stations do not create a significant hazard to the public health and safety, such as fire, toxic, or explosive hazards. Applicant currently operates over 700 vehicular fueling stations across six different states. Additionally, Applicant will obtain all required permits to operate and maintain the Proposed Use. Finally, other vehicular fueling stations operate within the Township, including, as mentioned, a Turkey Hill just a short distance south of the Property.

Section 135-383.B(6)

The Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of and ensure compliance with the Municipalities Planning Code and this chapter, which conditions may include plantings and buffers, harmonious designs of buildings and the elimination of noxious, offensive or hazardous elements.

Applicant acknowledges that the Board may attach reasonable conditions to a decision granting approval of the special exception.

Section 135-383.B(7)

Unless otherwise specified by the Board or by law, a special exception shall expire if the applicant fails to obtain a zoning permit within one year from the date of authorization thereof by the Board or by the court if such special exception has been granted after an appeal or fails to complete any erection, construction, reconstruction, alteration or change in use authorized by the special exception approval within two years from the date of authorization thereof by the Board or by the court if such special exception has been granted after an appeal. The Board, upon written application and for reasonable cause shown, may extend the approval for an additional period of up to two years.

Applicant acknowledges the requirements of this Section and is requesting that the Board extend the approval for a period of one (1) year, further discussed just below.

B. Extension of Special Exception Approval

Pursuant to Section 135-383.B(7), special exceptions expire within one (1) year from authorization when the applicant fails to obtain a zoning permit within said one (1) year period, but the Board may extend the approval for an additional period of up to two (2) years. Applicant's redevelopment plans require several permits and approvals, which are beyond the control of the Applicant. Delays in the issuance or approval of permits would likely push Applicant's redevelopment beyond the standard one (1) year approval period. Therefore, Applicant respectfully requests that if the Board grants the above requested special exception, that the Board extend the approval period for an additional one (1) year period, for a total of a two (2) year approval period.

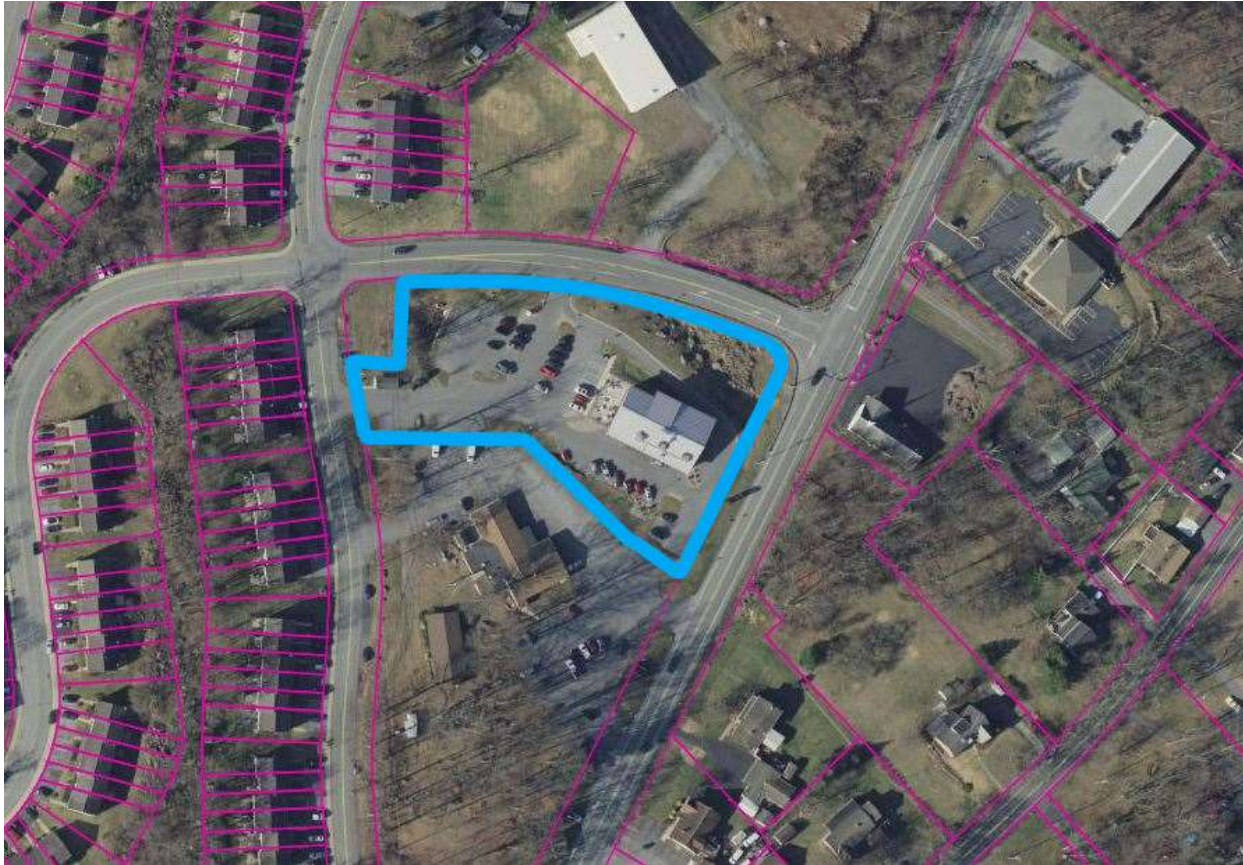
V. CONCLUSION

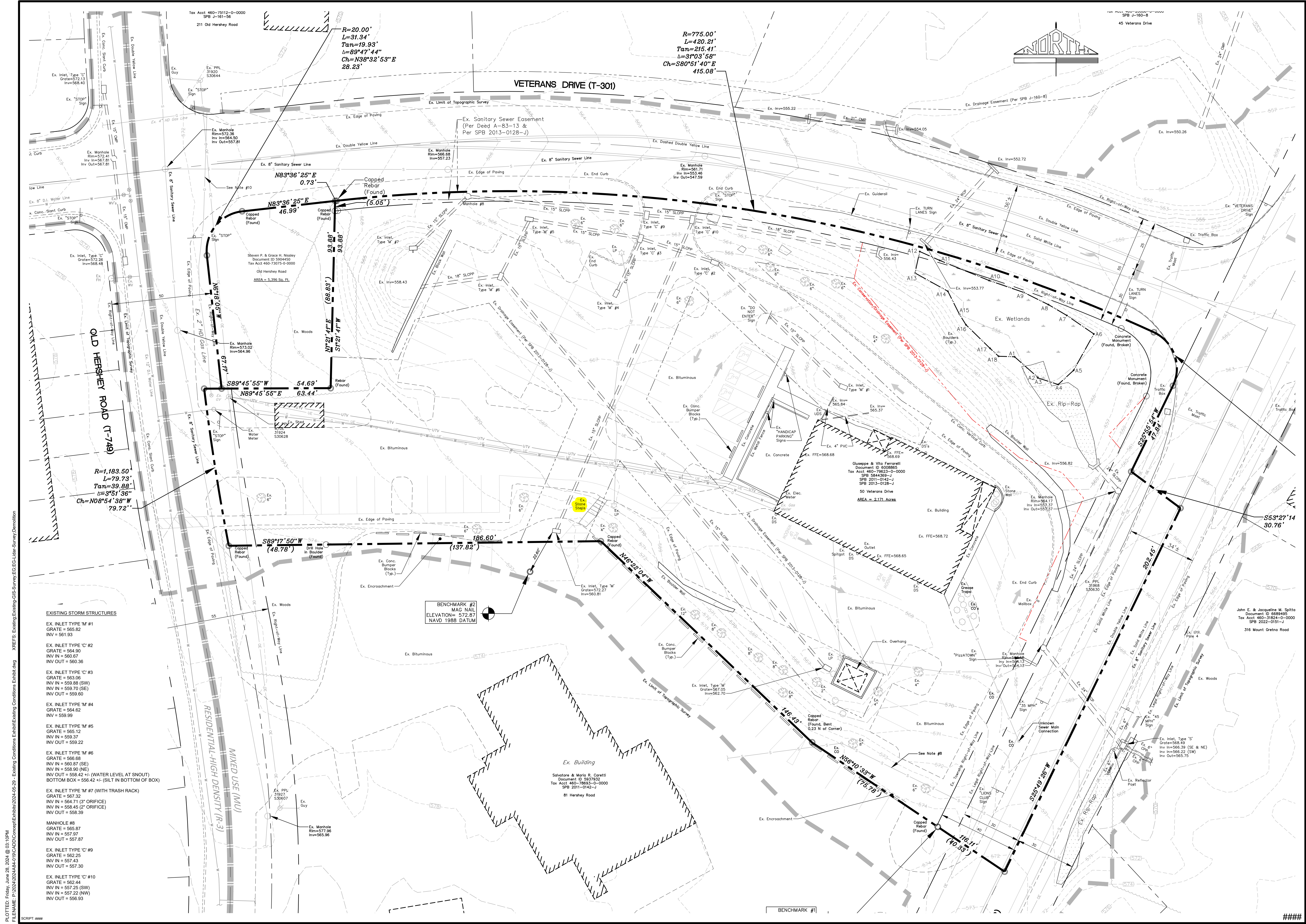
Based on the foregoing, and the additional evidence and testimony that the Applicant will present at the hearing, Applicant respectfully requests that the Board grant the special exception pursuant to Section 135-143 of the Zoning Ordinance, and if granted also extend the approval for an additional one (1) year.

EXHIBIT A

Aerial Image

Exhibit A
Aerial Image





PLOTTED: Friday, June 28, 2024 @ 03:10PM
 FILENAME: P:\2024\2024A484-019\CADD\Concept\Exhibit\Existing Conditions Exhibit.dwg XREFS: Existing\GIS-Survey\EG-EG-Lid-Survey-Demolition
 SCRIPT: ###

NO.	DATE	REVISION

SEAL

CLIENT

SHEETZ
351 SHEETZ WAY
CLAYSBURG, PA 16825
(814) 238-8013

SHEETZ
ELIZABETHTOWN, PA - VETERANS DRIVE

MOUNT JOY TOWNSHIP
LANCASTER COUNTY, PA

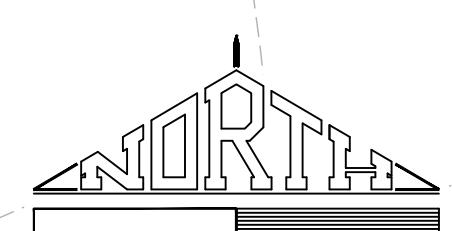
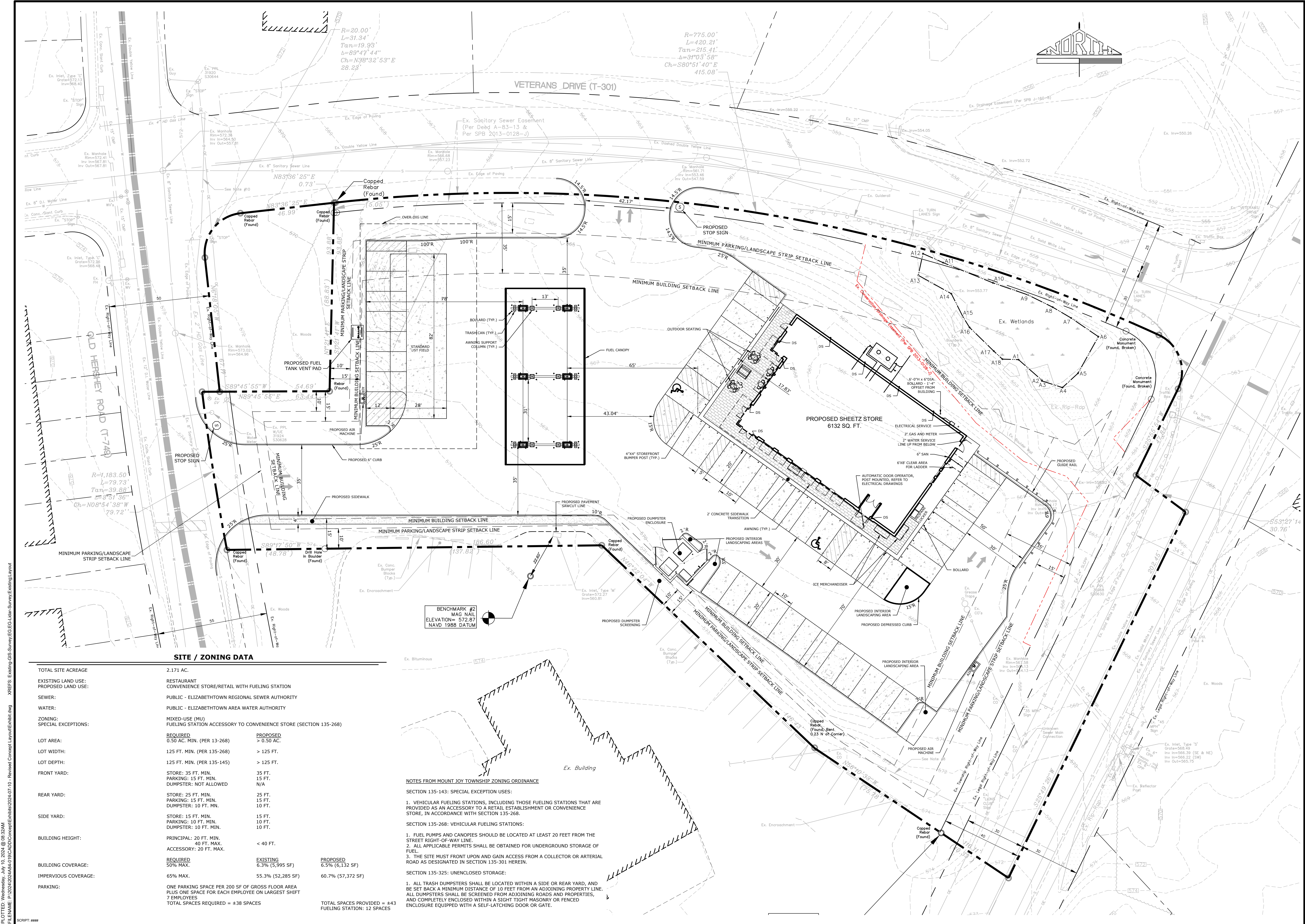
Land Planning
Landscape Architecture
Civil Engineering

RGS

ASSOCIATES

53 West James Street, PA 17603
Phone: 717-333-1000
Fax: 717-333-1001
221 W. Philadelphia Street, PA 17401
Phone: 717-333-1000
Camp Hill, PA 17011
E-mail: info@rgsasociates.com
www.rgsassociates.com

DATE: JUNE 28, 2024
PROJECT NO.: 2024A484-019
MANAGER: CHRIS VERNARCHICK
SHEET NO.: 1 OF 1



NO	DATE	REVISION

SEAL

SEAL

SHEETZ
351 SHEETZ WAY
CLAYSBURG, PA 16825
(814) 238-4013

CLIENT

SEAL

SHEETZ
ELIZABETHTOWN, PA - VETERANS DRIVE

MOUNT JOY TOWNSHIP LANCASTER COUNTY, PA

CONCEPT LAYOUT EXHIBIT

Land Planning
Landscape Architecture
Civil Engineering

RGS

53 West James Street, PA 17033
State 101, Lancaster, PA 17602
(717) 391-9277
221 W. Philadelphia Street
Suite 100E, York, PA 17401
PO Box 923976
Camp Hill, PA 17011
E-mail: info@rgsassociates.com
www.rgsassociates.com

ASSOCIATES

DATE: JULY 10, 2024
PROJECT NO.: 2024A84-019
MANAGER: CHRIS VENARCHCK
SHEET NO.: 1 OF 1

SITE / ZONING DATA

TOTAL SITE ACREAGE	2.171 AC.		
EXISTING LAND USE:	RESTAURANT CONVENIENCE STORE/RETAIL WITH FUELING STATION		
PROPOSED LAND USE:	PUBLIC - ELIZABETHTOWN REGIONAL SEWER AUTHORITY		
SEWER:	PUBLIC - ELIZABETHTOWN AREA WATER AUTHORITY		
WATER:	PUBLIC - ELIZABETHTOWN AREA WATER AUTHORITY		
ZONING:	MIXED-USE (MU)		
SPECIAL EXCEPTIONS:	FUELING STATION ACCESSORY TO CONVENIENCE STORE (SECTION 135-268)		
LOT AREA:	REQUIRED 0.50 AC. MIN. (PER 135-268)	PROPOSED > 0.50 AC.	
LOT WIDTH:	125 FT. MIN. (PER 135-268)	> 125 FT.	
LOT DEPTH:	125 FT. MIN. (PER 135-145)	> 125 FT.	
FRONT YARD:	STORE: 35 FT. MIN. PARKING: 15 FT. MIN. DUMPSTER: NOT ALLOWED	35 FT. 15 FT. N/A	
REAR YARD:	STORE: 25 FT. MIN. PARKING: 15 FT. MIN. DUMPSTER: 10 FT. MIN.	25 FT. 15 FT. 10 FT.	
SIDE YARD:	STORE: 15 FT. MIN. PARKING: 10 FT. MIN. DUMPSTER: 10 FT. MIN.	15 FT. 10 FT. 10 FT.	
BUILDING HEIGHT:	PRINCIPAL: 20 FT. MIN. 40 FT. MAX. ACCESSORY: 20 FT. MAX.	< 40 FT.	
BUILDING COVERAGE:	REQUIRED 50% MAX.	EXISTING 6.3% (5,995 SF)	PROPOSED 6.5% (6,132 SF)
IMPERVIOUS COVERAGE:	65% MAX.	55.3% (52,285 SF)	60.7% (57,372 SF)
PARKING:	ONE PARKING SPACE PER 200 SF OF GROSS FLOOR AREA PLUS ONE SPACE FOR EACH EMPLOYEE ON LARGEST SHIFT 7 EMPLOYEES TOTAL SPACES REQUIRED = 438 SPACES	TOTAL SPACES PROVIDED = 443 FUELING STATION: 12 SPACES	

BENCHMARK #2
MAG NAIL
ELEVATION = 572.87
NAVD 1988 DATUM

NOTES FROM MOUNT JOY TOWNSHIP ZONING ORDINANCE

- SECTION 135-143: SPECIAL EXCEPTION USES:
- VEHICULAR FUELING STATIONS, INCLUDING THOSE FUELING STATIONS THAT ARE PROVIDED AS AN ACCESSORY TO A RETAIL ESTABLISHMENT OR CONVENIENCE STORE, IN ACCORDANCE WITH SECTION 135-268.
- SECTION 135-268: VEHICULAR FUELING STATIONS:
- FUEL PUMPS AND CANOPIES SHOULD BE LOCATED AT LEAST 20 FEET FROM THE STREET RIGHT-OF-WAY LINE.
 - ALL APPLICABLE PERMITS SHALL BE OBTAINED FOR UNDERGROUND STORAGE OF FUEL.
 - THE SITE MUST FRONT UPON AND GAIN ACCESS FROM A COLLECTOR OR ARTERIAL ROAD AS DESIGNATED IN SECTION 135-301 HEREIN.
- SECTION 135-325: UNENCLOSED STORAGE:
- ALL TRASH DUMPSTERS SHALL BE LOCATED WITHIN A SIDE OR REAR YARD, AND BE SET BACK A MINIMUM DISTANCE OF 10 FEET FROM AN ADJOINING PROPERTY LINE. ALL DUMPSTERS SHALL BE SCREENED FROM ADJOINING ROADS AND PROPERTIES, AND COMPLETELY ENCLOSED WITHIN A SIGHT TIGHT MASONRY OR FENCED ENCLOSURE EQUIPPED WITH A SELF-LATCHING DOOR OR GATE.



McNees Wallace & Nurick LLC
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166

Adam DeBernardis
Telephone: 717.237.5313
Fax: 717.237.5300
adebernardis@mcneeslaw.com

August 14, 2024

VIA FEDEX AND E-MAIL

Justin Evans
Manager/Zoning Officer
Mount Joy Township
8853 Elizabethtown Road
Elizabethtown, PA 17022

**RE: Sheetz, Inc.
Amended Zoning Hearing Board Application
Our File No. 19504-0021**

Dear Justin:

As you know, we represent Sheetz, Inc. ("Sheetz"), which is the lessee of a 2.171-acres of land located along Veterans Drive in Mount Joy Township ("Township") and identified as Lancaster County Tax Parcel ID Number 460-79623-0-0000 with an address of 50 Veterans Drive ("Property"). The Property is located in the Township's Mixed Use District ("MU District"). On August 7, 2024, Sheetz submitted a Zoning Hearing Board application, as Sheetz intends to redevelop the Property to construct and operate a modern convenience store with fuel sales ("Proposed Development"). Sheetz now wishes to amend their application to request a variance from Section 135-383.B(7) to extend the approval of the special exception for an additional one (1) year period. Furthermore, Sheetz is the lessee of the Property and the Application has been amended as such.

Variance from Section 135-383.B(7)

Pursuant to Section 135-383.B(7), special exceptions expire within one (1) year from authorization when the applicant fails to obtain a zoning permit within said one (1) year period, but the Board may extend the approval for an additional period of up to two (2) years. As such, Sheetz respectfully requests a variance from Section 135-383.B(7) to extend the special exception approval for an additional one (1) year period. In conjunction with the Proposed Development, Sheetz must apply for and obtain several permits including, but not limited to, permits from the Pennsylvania Department of Environmental Protection and Pennsylvania Department of Transportation. Any delay in the issuance or approval of permits would likely push Sheetz's completion of the Proposed Development beyond the standard one (1) year approval period. Therefore, Sheetz respectfully requests a variance from Section 135-383.B(7) and the Zoning Hearing Board extend the special exception approval period for an additional one (1) year period, for a total of a two (2) year approval period.


Enclosed in support of Sheetz's amended application are the following:

- 1) Six (6) copies of the amended Mount Joy Township Zoning Hearing Board Application; and
- 2) Six (6) copies of this supplemental letter providing justification for the requested relief.

Justin Evans
August 14, 2024
Page 2

Also, as mentioned above, Sheetz is the lessee of the Property. The enclosed amended application includes the landowner's information and signature. Please do not hesitate to contact me if you have any questions or need any further documentation.

Sincerely,



Adam DeBernardis
MCNEES WALLACE & NURICK LLC

c: Jessica Strittmatter, P.E. (via e-mail w/ encls.)
Chris Venarchick, P.E. (via e-mail w/ encls.)

Mount Joy Township

8853 Elizabethtown Rd
Elizabethtown, PA 17022
Phone: (717)367-8917 - Fax: (717)367-9208

Zoning Hearing Board Application

1. Applicant Information

Name: Sheetz, Inc.

Address: 5700 6th Avenue City/State/Zip: Altoona, PA 16602

Phone: (814)239-6018 Fax: _____

E-mail: _____

2. Landowner Information (if different from the Applicant)

Name: Giuseppe Ferrarelli and Vita Ferrarelli

Address: 999 Northfield Drive City/State/Zip: Elizabethtown, PA 17022

Phone: _____ Fax: _____

E-mail: _____

3. Property Information

Property Address: 50 Veterans Drive

City/State/Zip: Elizabethtown, PA 17022

Existing Use: See attached narrative Proposed Use: See attached narrative

Total Property Area (Sq. Ft. or Acres): 2.171

FOR TOWNSHIP USE ONLY

Date Application Received: _____

Date Application to be heard: _____

Tax Parcel #: _____

Zoning District: _____

Application Denied/Approved: _____

4. Request for Special Exception

Section(s) of Zoning Ordinance for which a Special Exception is requested:

Please see attached narrative.

Provide an explanation of your proposal, particularly, why you need a special exception and for what type of use the special exception is being requested for:

Please see attached narrative.

This site is suitable for a Special Exception Use because:

Please see attached narrative.

How will the request affect adjacent properties? (Dust, noise, fumes, odors, glare, increased traffic, character of the neighborhood etc.):

Please see attached narrative.

5. Expansion of Special Exception Uses

Are there any existing nonconformities on the lot, if so list them:

N/A

Existing and proposed square footage of the structure:

N/A

Percentage of Expansion:

N/A

Existing front, side and rear yard setbacks:

N/A

Proposed front, side and rear yard setbacks:

N/A

6. Request for a Variance

Section(s) of the Zoning Ordinance for which a Variance is requested:

See supplemental letter

Why do you need a variance and what is your proposed alternative from the requirements of the Township Zoning Ordinance?

See supplemental letter

What physical characteristics of the property prevent it from being used for any of the permitted uses in your zoning district? (Topography, size and shape of lot, environmental constraints, etc.):"

See supplemental letter

Explain how the requirements of the Zoning Ordinance would result in difficulties or undue hardships in the use of your property, buildings and/or structures:

See supplemental letter


Explain how the granting of a variance will not be a substantial detriment to the public good or a substantial impairment of the intent and purpose of the Zoning Ordinance:

See supplemental letter

7. Certification

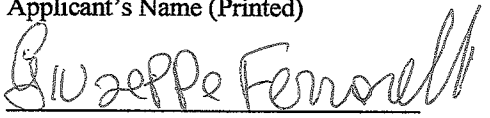
I/we, the undersigned, do hereby certify that:

1. The information submitted here in is true and correct to the best of my/our knowledge and upon submittal becomes public record.
2. Fees are not refundable, and payment does not guarantee approval of the Zoning Hearing Board Application.
3. All additional required written graphic materials are attached to this application



Applicant Signature Counsel for Applicant 08/12/2024
Date Signed

Adam DeBernardis, Esq.
Applicant's Name (Printed)



Landowner Sign (if different from Applicant) 8/14/2024
Date Signed

GIUSEPPE FERRARELLI
Landowner's Name (Printed)