

**ELIZABETHTOWN BOROUGH COUNCIL
CONDITIONAL USE HEARING**

July 20, 2017

Minutes

A conditional use hearing was held before Elizabethtown Borough Council on Thursday, July 20, 2017 at 7:00 p.m. at the Borough Office for an application filed by Tyler Jones and Chantel Zimmerman doing business as "Play 2 Learn Day Care" for property located within the Mixed-Use District at 40 S. Brown Street. The request is made pursuant to Chapter 27, Part 12A, §12A04.D. "*Conditional Uses.*"

Present were Council President J. Marc Hershey, Council Vice President J. Neil Ketchum, Councilman Phil Clark, Councilman Jeff McCloud, Councilman Tom Shaud, and Councilman Dr. C. Dale Treese. Also present were Manager Roni Ryan, Police Chief Jack Mentzer, Public Works Director Wayne DeVan, Borough Solicitor Josele Cleary, Mayor Chuck Mummert, and Community Development Director Rodney Horton.

Council President Hershey opened the hearing and turned the floor over to Cleary who explained the rules and regulations governing conditional use hearings under the Pennsylvania Municipalities Planning Code. Cleary described the rights of individuals granted "party status," and the process to be granted such status. No individuals requested "party status" to the conditional use application. With no one having any questions pertaining to the procedures governing the hearing, the floor was turned over to the applicant to present their case in chief. Cleary stated the notice of hearing was published in the Lancaster Newspaper on July 5, 2017 and July 12, 2017, the property was posted at least seven (7) days before the hearing, and neighboring property owners were notified via written correspondence.

Tyler Jones and Chantel Zimmerman of 68 Cranfield Court, Elizabethtown, PA, doing business as Play 2 Learn presented a building schematic and lot map for review. Each exhibit was properly marked on the record by Cleary. Jones and Zimmerman testified to the following:

- A. Building was previously a day-care center.
- B. Day-care center to be located on the first floor, two residences are located on the second floor.
- C. Hours of operation are Monday – Friday, 6:30 a.m. to 6:00 p.m.
- D. Ages of the pupils are 6 weeks to pre-kindergarten.
- E. The total number of staff members will be compliant with the Pennsylvania Department of Human Services' (DHS) required ratios.
- F. Required training to operate a day-care center is complete, certificate of occupancy is needed prior to receiving a license from DHS.
- G. Office for the day-care center will be held on site.
- H. Applicant plans to be in operation by mid-November.
- I. Chain-link fence will be coated, but not a privacy fence.
- J. Pupils will access play area to be located in the rear of the building exiting from classrooms directly adjacent to the play area.
- K. Lot size is 22,798 square feet, and the day-care center will enroll up to 39 pupils.
- L. The building meets existing setback requirements.
- M. Off-street parking will be provided to accommodate pupils and the residences located on the second floor.
- N. Toys will be cleaned up prior to the close of business each day.

- O. Main entrance will be located on the side of the building and away from the street. Fenced in play area will be in the rear of the building away from vehicular traffic, and the parked vehicles will be pointed away from fence.

Borough Council engaged the applicant in a question and answer period. Horton testified on behalf of the Borough to inform Borough Council the Planning Commission reviewed the conditional use application at their July 11, 2017 meeting. He further stated the Planning Commission recommended approval of the conditional use application subject to the applicant meeting the performance standards prescribed within the Zoning Ordinance. Borough Council had no questions for Horton. Borough Council entered into an executive session at 7:43 p.m. At 7:48 p.m. Council President Hershey resumed the hearing and called for a motion from the floor.

Moved by Councilman Clark, seconded by Councilman McCloud to approve the applicant's conditional use application subject to the conditions enumerated within the written decision. Motion approved unanimously on a voice-vote. After the vote, Cleary noted a written decision will be issued within forty-five (45) days.

The hearing adjourned at 7:51 p.m. on a motion offered by Councilman McCloud, seconded by Councilman Shaud. Motion carried unanimously on a voice-vote.

Respectfully Submitted,

Roni Ryan.
Borough Manager