

Mayor HEATHER ZINK Borough Council President

LEO S. LUTZ EVAN M. GABEL Solicitor MARK E. STIVERS Borough Manager

#### COLUMBIA BOROUGH PLANNING COMMISSION

Paul W. Myers Council Chamber, 308 Locust Street, Columbia August 15, 2023 – 7:00 p.m. Final Agenda

This meeting will be live streamed to the Borough's YouTube Channel as a convenience and is not meant to replace in-person participation in the meeting.

- 1) Call to Order:
- 2) Moment of Silence:
- 3) Pledge of Allegiance:
- 4) Approval of Minutes:
  - a) Consider Approval of the Planning Commission Meeting Minutes from the July 18, 2023, Regular Meeting
- 5) Zoning Hearing(s) Consider Motion to Recommend to Zoning Hearing Board:
  - a) None
- 6) Engineer's Review(s) of SALDO Applications – Consider Motion:
  - a) 254 Blue Lane Columbia Borough Sub-Divide Lands Along Blue Lane
- 7) Demolition Applications Consider Motion to Recommend to Borough Council:
  - a) None
- 8) Action Items:
  - a) 445 Linden Street Motion to Amend the Zoning Ordinance Off-Premises
  - b) 170 S Fifth St Motion to Begin Blighting Process
  - c) 313 N Second St Motion to Begin Blighting Process
- Discussion Items: 9)
  - a) Curb and Sidewalk Ordinance



Planning Commission Meeting Agenda – August 15, 2023 – Page 2

- 10) Old Business (for discussion):
- 11) New Business (for discussion):
- Public Comments and Questions:

  Civility and Decorum: Borough officials and members of the public are expected to conduct themselves with civility and to accord each other a measure of dignity and respect. Shouting, foul language, personal insults, threats, attacks, or any conduct that disrupts the flow of business is out of order.
- 13) Motion to Adjourn:

Next Meeting Scheduled for Tuesday, September 19, 2023

If you are person with a disability wishing to attend this meeting and require an accommodation to participate in the meeting, please contact the Columbia Borough Office at (717) 684-2467 at least 24 hours prior to the meeting.

# MINUTES COLUMBIA BOROUGH PLANNING COMMISSION July 18, 2023

#### **MEMBERS IN ATTENDANCE:**

Mary Wickenheiser, Chairperson Tiffani Lynn, Vice-Chairperson Brad Lynn, Secretary Annette White

#### **STAFF IN ATTENDANCE:**

Sharon Cino, Planning and Zoning Manager Deb LaClair, Administrative Assistant

#### **GUESTS IN ATTENDANCE:**

None

#### **CALL TO ORDER:**

Chairperson Wickenheiser called this regular meeting of the Columbia Borough Planning Commission to order on Tuesday, July 18, 2023, at 7:00 p.m.

There was a moment of silence and the pledge to the flag.

Marilyn Kress Hartman, Kelly Murphy and Nathan Roach were absent from this meeting.

#### **APPROVAL OF MINUTES:**

Brad Lynn motioned to approve the regular Planning Commission meeting minutes from June 20, 2023, and Tiffani Lynn seconded. All favored this motion.

#### **ZONING HEARING(S):**

There were no zoning hearings for review.

#### **ENGINEER'S REVIEW(S):**

There were no engineer reviews.

#### **DEMOLITION APPLICATION(S):**

There were no demolition items.

#### **ACTION ITEMS:**

Sidewalk Café Ordinance – Sharon Cino stated the Planning Commission received a copy of the ordinance for review and recommendation to forward to Borough Council for advertisement. She added this ordinance would replace the former ordinance enacted during Covid-19. Mary Wickenheiser asked for comments. There was review and discussion of each page regarding typographical errors and the rewording of some sections of the ordinance for clarity. Sharon would forward all corrections and comments to the Borough Solicitor.

Tiffani Lynn motioned to recommend the Sidewalk Café Ordinance move forward to Borough Council for advertisement with corrections and clarifications and Justin Evans seconded. All favored this motion.

#### **DISCUSSION ITEMS:**

Sharon presented the land bank updated report. She stated 154 and 156 South Fifth Street demolition was started, HARB approved work to be done at 318 Poplar Street, and a permit was issued for work to be done on 521 Locust Street.

#### **OLD BUSINESS:**

Mary Wickenheiser talked about a proposal from CLG Law Firm for right-of-way management ordinance services, which was discussed at last month's meeting. Mary stated after the discussion at last month's meeting and review by all members, she thought this was a service the Borough did not need at this time. The Commission members agreed.

Brad Lynn motioned to recommend to Council that they reject the proposal for right-of-way management ordinance services by CLG Law Firm and Tiffani Lynn seconded. All favored this motion.

#### **NEW BUSINESS:**

Mary Wickenheiser reported she attended the Borough Council Work Session held on July 6<sup>th</sup> where the Curb and Sidewalk Ordinance and the Short-Term Rental Ordinance was discussed. Mary added the short-term rental located on Chestnut Street was still operating while the owner goes through the appeal process.

#### **PUBLIC COMMENTS AND QUESTIONS:**

There were no public comments.

#### **ADJOURNMENT:**

Justin Evans motioned to adjourn this meeting of the Columbia Borough Planning Commission at 7:47 p.m. and Tiffani Lynn seconded. All favored this motion.

Respectfully submitted,

Brad Lynn, Secretary

# COLUMBIA BOROUGH

# FINAL MINOR SUBDIVISION PLAN OF LANDS LOCATED ALONG BLUE LANE

# LANCASTER COUNTY, PENNSYLVANIA

LANCASTER COUNTY PLANNING DEPARTMENT REVIEW CERTIFICATE

THIS PLAN, BEARING LCPC FILE NO. 75–159–1, REVIEWED BY STAFF OF THE LANCASTER COUNTY PLANNING DEPARTMENT ON \_\_\_\_\_\_, AS REQUIRED BY THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, ACT 247, OF 1968, AS AMENDED. THIS CERTIFICATE DOES NOT REPRESENT NOR GUARANTEE THAT THIS PLAN COMPLIES WITH THE VARIOUS ORDINANCES, RULES, REGULATIONS, OR LAWS OF THE LOCAL GOVERNMENT, THE COMMONWEALTH, OR THE FEDERAL GOVERNMENT.

CHAIRMAN PERSON OR THEIR DESIGNEE

FINAL PLAN APPROVAL CERTIFICATE

\_\_\_\_\_ PLANNING COMMISSION CHAIRMAN

PLANNING COMMISSION SECRETARY

#### OWNER

BOROUGH OF COLUMBIA 308 LOCUST STREET COLUMBIA, PA 17512

CERTIFICATE OF OWNERSHIP, ACKNOWLEDGEMENT OF THE PLAN, AND OFFER OF DEDICATION

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF LANCASTER

ON THIS THE \_\_\_\_\_DAY OF \_\_\_\_\_, 2023, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED

BEING OF COLUMBIA BOROUGH, WHO BEING DULY SWORN ACCORDING TO LAW, DEPOSES AND SAYS THAT THE BOROUGH IS THE OWNER OF THE PROPERTY SHOWN ON THIS PLAN, THAT HE IS AUTHORIZED TO EXECUTE SAID PLAN ON BEHALF OF THE BOROUGH, THAT THE PLAN IS THE ACT AND DEED OF THE BOROUGH, FURTHER ACKNOWLEDGES, THAT ALL STREETS AND OTHER PROPERTY IDENTIFIED AS PROPOSED PUBLIC PROPERTY (EXCEPTING THOSE AREAS LABELED "NOT FOR DEDICATION") ARE HEREBY DEDICATED TO THE PUBLIC USE.

SIGNATURE OF THE INDIVIDUAL

SIGNATURE AND SEAL OF NOTARY PUBLIC

MY COMMISSION EXPIRES \_\_\_\_\_\_\_.

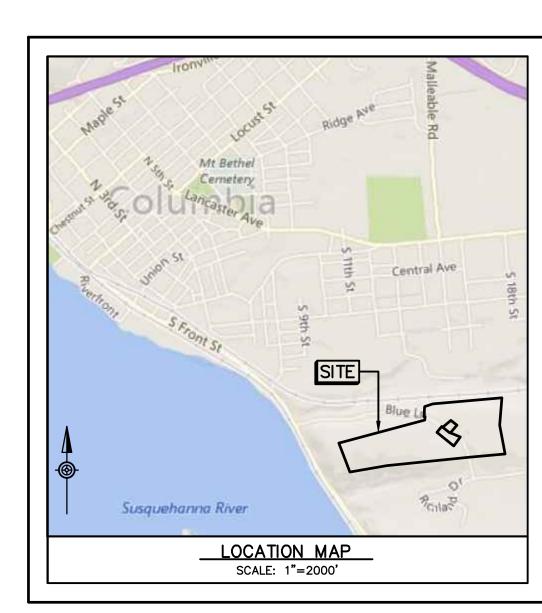
SHEET INDEX

SHEET NO. DESCRIPTION

1. COVER SHEET

2. EXISTING CONDITIONS PLAN

3. FINAL SUBDIVISION PLAN



#### NOTES

- THE PURPOSE OF THIS SUBDIVISION PLAN IS TO CREATE LOT 3 FROM THE EXISTING LANDS OF THE BOROUGH OF COLUMBIA.
- 2. A COMPLETE BOUNDARY SURVEY WAS PERFORMED BY C. S. DAVIDSON, INC. IN APRIL 2018.
- 3. NO NEW LAND DEVELOPMENT IS PROPOSED WITH THIS PLAN.
- 4. NO IMPROVEMENTS ARE OFFERED FOR DEDICATION WITH THIS PLAN.
- 5. NO FLOODPLAIN EXISTS ON THE SITE AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP NUMBER 42071C0338F, EFFECTIVE DATE APRIL 5, 2016.
- 6. LIDAR CONTOURS SHOWN WERE OBTAINED FROM THE PENNSYLVANIA SPATIAL DATA ACCESS WEBSITE.
- 7. AS OF THE DATE OF THIS DEED/PLOT RECORDING THE PROPERTY/SUBDIVISION DESCRIBED HEREIN IS AND SHALL BE DEDICATED FOR THE EXPRESS PURPOSE OF A NON-BUILDING LOT. NO PORTION OF THIS PROPERTY/SUBDIVISION ARE APPROVED BY COLUMBIA BOROUGH OR THE DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) FOR THE INSTALLATION, CONSTRUCTION, CONNECTION TOOR USE OF ANY SEWAGE COLLECTION, CONVEYANCE, TREATMENT OR DISPOSAL SYSTEM

(EXCEPT FOR REPAIRS TO EXISTING SYSTEMS) UNLESS THE MUNICIPALITY AND DEP HAVE BOTH APPROVED SEWAGE FACILITIES PLANNING FOR THE PROPERTY/SUBDIVISION DESCRIBED HEREIN IN ACCORDANCE WITH THE PENNSYLVANIA SEWAGE FACILITIES ACT (35 P.S. SECTIONS 750. 1 ET SEQ.) AND REGULATIONS PROMULGATED THEREUNDER. PRIOR TO SIGNING, EXECUTING, IMPLEMENTING OR RECORDING ANY SALES CONTRACT OR SUBDIVISION PLAN, ANY PURCHASER OR SUBDIVIDER OF ANY PORTION OF THIS PROPERTY SHOULD CONTACT APPROPRIATE OFFICIALS OF COLUMBIA BOROUGH, WHO ARE CHARGED WITH ADMINISTERING THE SEWAGE FACILITIES ACT TO DETERMINE THE FORM OF SEWAGE FACILITIES PLANNING REQUIRED AND THE PROCEDURE AND REQUIREMENTS FOR OBTAINING APPROPRIATE PERMITS OR APPROVALS.

#### SITE DATA

- 1. EXISTING ZONING: COMMERCIAL RECREATION (CR) AND CONSERVATION (C)
- 2. ASSESSMENT ACCOUNT NO. 110-35403-0-0000

INSTRUMENT NUMBER 6674490, APRIL 5, 2022, CONTAINING 66.234 ACRES (GROSS)

3. PROPOSED USE LOT 1: BOROUGH BUSINESS

- LOT 3: FUTURE ADD ON LOT
- 4. TOTAL AREA: 66.234 ACRES (GROSS)
- 5. PROPOSED NO. OF LOTS: 2
- 6. MINIMUM LOT AREA REQUIRED: N/A (SEE § 220-15 BELOW)
- 7. MINIMUM LOT WIDTH REQUIRED (AT BSL): N/A (SEE § 220-15 BELOW)
- 8. REQUIRED BUILDING SETBACKS
  COMMERCIAL RECREATION ZONE:

OONICEDVATION ZONE.

CONSERVATION ZONE: FRONT=30 FEET; SIDE=10 FEET; REAR=40 FEET

FRONT=30 FEET: SIDE=25 FEET: REAR=25 FEET

- 9. MAXIMUM BUILDING COVERAGE ALLOWED COMMERCIAL RECREATION ZONE: 40%
- 10. MAXIMUM IMPERVIOUS COVERAGE ALLOWED COMMERCIAL RECREATION ZONE: 85%

CONSERVATION ZONE: 10%

- 11. WATER SUPPLY: ON-LOT
- 12. SEWAGE DISPOSAL: ON-LOT
- 13. HORIZONTAL DATUM BASED ON PENNSYLVANIA STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM (1983) NAD83, SOUTH ZONE, US SURVEY FEET.

  VERTICAL DATUM BASED ON THE NORTH AMERICAN VERTICAL DATUM (1988) NAVD 88, SOUTH ZONE, ESTABLISHED BY GPS LEICA MODEL NO. GS14.

  PA SMARTNET USED FOR CORRECTIONS

### § 220-15 LIMITED BOROUGH AND MUNICIPAL AUTHORITY EXEMPTION

THE MINIMUM LOT AREA, MINIMUM LOT WIDTH, AND MINIMUM STREET FRONTAGE REQUIREMENTS OF THIS CHAPTER SHALL NOT APPLY TO USES OR STRUCTURES OWNED BY COLUMBIA BOROUGH OR BY A MUNICIPAL AUTHORITY CREATED SOLELY BY COLUMBIA BOROUGH FOR SUCH USES AND STRUCTURES.

ENGINEER'S PROJECT NO. 3981.3.02.02

JUNE 2023

LANCASTER COUNTY
RECORDER OF DEEDS CERTIFICATE

RECORDED IN THE OFFICE FOR RECORDING OF DEEDS, IN AND FOR LANCASTER COUNTY, PENNSYLVANIA, IN SUBDIVISION PLAN BOOK \_\_\_\_\_\_, VOLUME \_\_\_\_\_, PAGE \_\_\_\_\_. WITNESS MY HAND AND SEAL OF OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_. A.D., 2023.

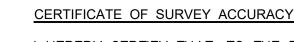
\_ RECORDER

NOTE:
Information concerning underground utilities is not guaranteed to be complete or accurate. Contractor is responsible to contact all utility owners, and to determine the location of all underground utilities, prior to excavation by use of power—operated equipment.

NO. DATE REVISION BY
DWF



38 NORTH DUKE STREET, YORK, PA • PHONE (717) 846-4805
50 WEST MIDDLE STREET, GETTYSBURG, PA • PHONE (717) 337-3021
315 W. JAMES STREET, SUITE 102, LANCASTER, PA • PHONE (717) 481-2991
WWW.CSDAVIDSON.COM



I HEREBY CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE, THE PLAN SHOWN AND DESCRIBED HEREON IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY THE COLUMBIA BOROUGH SUBDIVISION AND LAND DEVELOPMENT ORDINANCE.

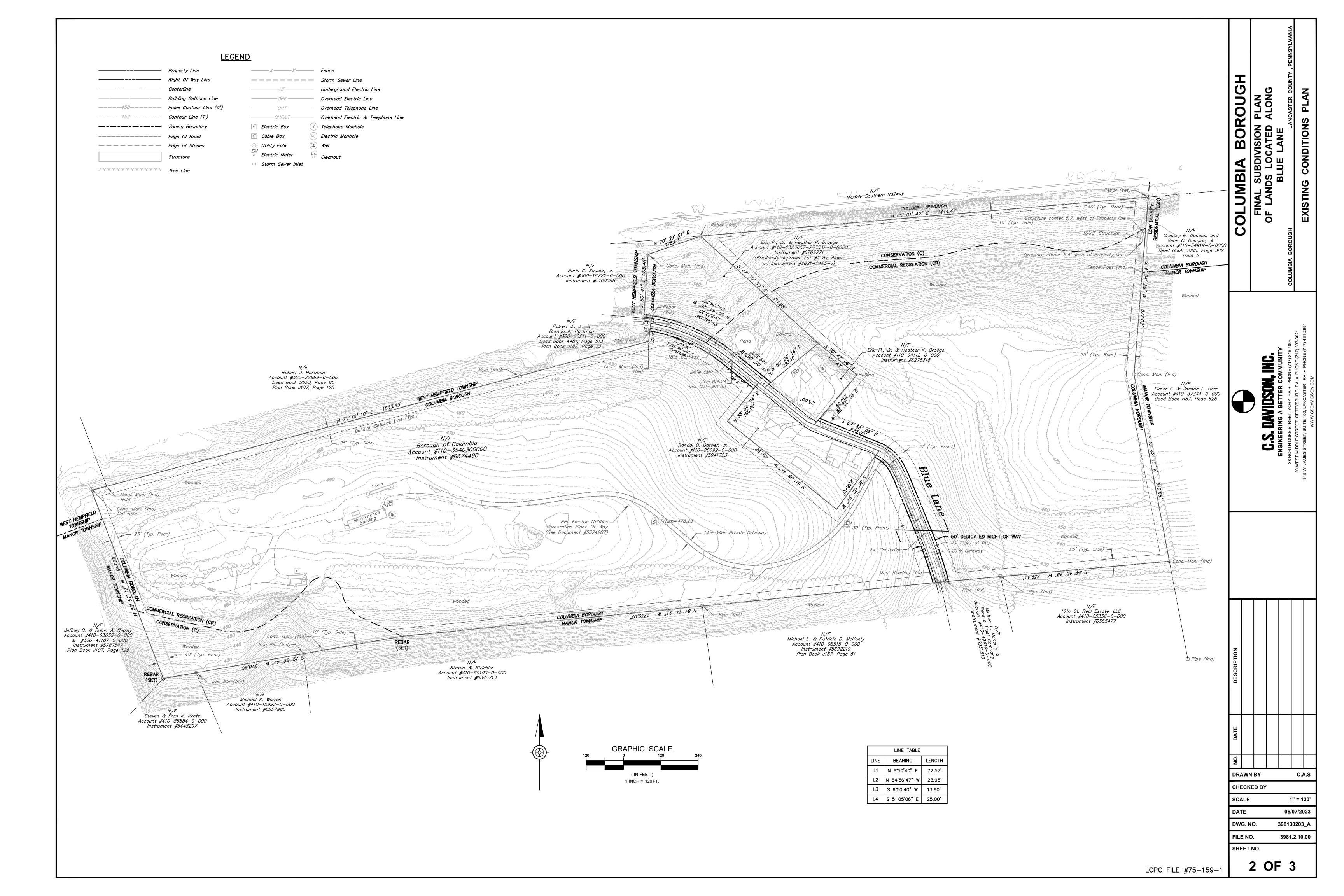
\_\_\_\_\_\_ #SU-054523-E

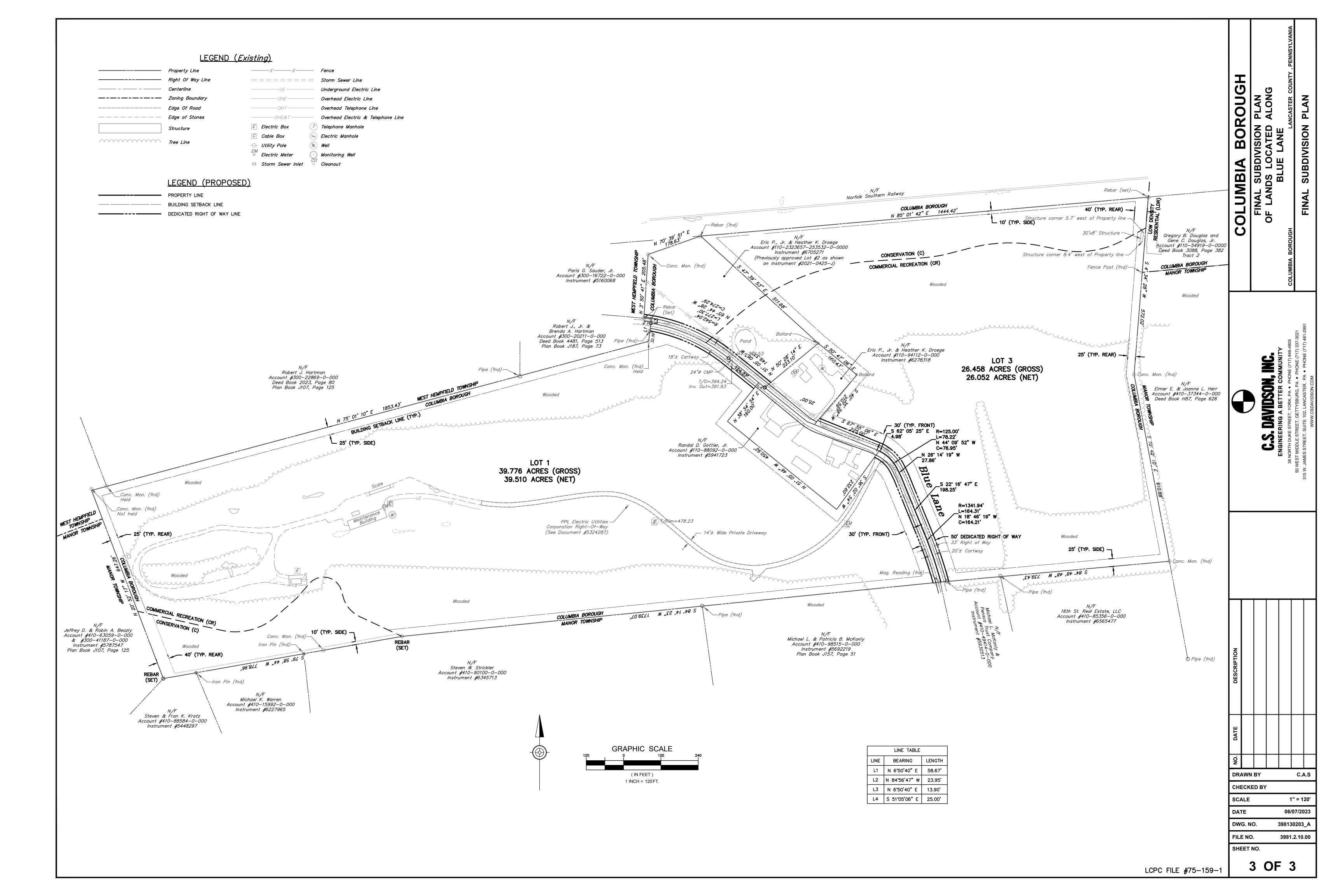
C. S. DAVIDSON, INC.
BY ERIC B. GLADHILL (AGENT)

ADHILL (AGENT)

SHEET 1 OF 3 398130203\_A

LCPC FILE #75-159-1







#### **Planning Department**

150 North Queen Street | Suite 320 Lancaster, Pennsylvania 17603 Phone: 717-299-8333

www.lancastercountyplanning.org

**23LP** 

#### **County Commissioners**

Ray D'Agostino, Chairman Joshua G. Parson, Vice Chairman John B. Trescot, Commissioner

#### Executive Director Scott W. Standish

#### **MEMORANDUM**

To: Mark E. Stivers, Manager

Columbia Borough

From: Lancaster County Planning Department

**Date:** July 12, 2023

Re: Notice of Plan Receipt for Review

LCPC File #: **75-159-1A** 

A request to review the plan identified below was received by the Lancaster County Planning Department on **July 5**, **2023**.

Plan Name: Columbia Borough Application Classification: Final Municipality: Columbia Borough

Project Location: East & west sides of Blue Lane, east of South Front Street

**Existing Use:** Vacant/Undeveloped **Proposed Use:** Community Services

Current Zoning: CR - Commercial Recreation, C - Conservation

**Proposed Number of Lots/Units: 1/0** 

Total Acreage: 65.350

**Property Owner(s):** Columbia Borough

308 Locust Street, Columbia, PA, 17512

Should you have any questions regarding this plan submittal, please contact the senior planner for the above referenced municipality at (717) 299-8333.

JDH/mr

Copy: Derek Rinaldo, C.S. Davidson, Inc. (York)

S:\COMMUNPL\LCPC\2023\8-14-23\SCHEDULING LETTERS\REVIEWS\REV-75-159-1A.docx





#### **Planning Department**

150 North Queen Street | Suite 320 Lancaster, Pennsylvania 17603 Phone: 717-299-8333

www.lancastercountyplanning.org

23LP

#### **County Commissioners**

Ray D'Agostino, Chairman Joshua G. Parsons, Vice Chairman John B. Trescot, Commissioner

Executive Director Scott W. Standish

#### **MEMORANDUM**

To: Mark E. Stivers, Manager

Columbia Borough

From: Gwen E. Newell, RLA, AICP

Senior Planner

Regional Alex W. Rohrbaugh, AICP Alex W. Rohrbaugh, AICP Senior Planner - Metro Planning Area

**Date:** July 28, 2023

**Re:** Advisory Plan Review Comments

LCPC #75-159-1A, Columbia Borough

Columbia Borough

The Pennsylvania Municipalities Planning Code establishes standards and procedures for the review of Subdivision and Land Development Plans. The Lancaster County Planning Department offers the following advisory comments and recommendations, which are for your consideration in the application of municipal subdivision and land development regulations to this project.

#### GENERAL INFORMATION

Subject: Final Subdivision Plan

Proposal: To subdivide a 66.234-acre lot into a 39.776-acre lot and a 26.458-acre lot

Owner(s): Columbia Borough

Applicant: Same

Firm: C.S. Davidson, Inc.

Received: July 5, 2023

#### LOCATION

Parcel ID #: 1103540300000

Address: 254 Blue Lane, Columbia PA

Location: East and west sides of Blue Lane, east of its S. Front Street intersection

Places 2040: The project site is located within the Columbia-Marietta Urban Growth Area

and within both the Natural Preservation and Natural Conservation Character

Zones.

#### **PATTERN**

Zoning: CR – Commercial Recreation / C - Conservation

Present Use: Agricultural / Undeveloped

**TIMING** 

Utilities: Private water and sewer services exist



#### RECOMMENDATIONS

Based upon this review, the Lancaster County Planning Department offers the following comments and recommendations:

#### SITE DESIGN COMMENTARY

- 1. Revised deeds for the resultant lots should be recorded as part of this plan approval. Recording new deeds with perimeter legal descriptions may avoid possible confusion during future title research of the affected properties.
- 2. The Lancaster County Planning Department's Review Certificate should be revised to include the word "was" after LCPC File No. and before the word "reviewed."

This Plan, bearing LCPC File No. \_\_\_\_\_, was reviewed by staff of the Lancaster County Planning Department on \_\_\_\_\_, as required by the Pennsylvania Municipalities Planning Code, Act 247, of 1968, as amended. This certificate does not represent nor guarantee that this plan complies with the various ordinances, rules, regulations, or laws of the local municipality, the commonwealth, or the federal government.

- 3. The Lancaster County Planning Department's Review Certificate and LCPC File Number located in the bottom right of each sheet should reflect the LCPC File Number for the current plan (75-159-1A).
- 4. The plans should identify which sheets are to be recorded. If the full set is not recorded, all recorded sheets should be identified as being part of a larger plan set containing additional information.
- 5. The plans should depict the location of any existing on-lot sewage disposal systems.

Please note that no land shall be conveyed, transferred, or agreed to be sold, nor shall the construction of any improvements be initiated, until authorized by the local municipal officials.

\* \* \*

JDH/GEN/AWR/JSN/fkg/mr

Copy: Derek Rinaldo, C.S. Davidson, Inc. (York)

 $S: \label{lem:community} S: \label{lem:community} S: \label{lem:community} AWR. docx \\$ 



McNees Wallace & Nurick LLC Fifth Third Center, 17<sup>th</sup> Floor 21 East State Street Columbus, OH 43215-4228 Claudia N. Shank Direct Dial: 717.581.3730 Fax: 717.291.2186 cshank@mcneeslaw.com

July 13, 2023

Sharon Cino, Zoning Officer Borough of Columbia 308 Locust Street Columbia, PA 17512

VIA E-MAIL & HAND DELIVER

Re:

Petition to Amend Columbia Borough Zoning Ordinance

Dear Sharon

We represent Oaktree Outdoor Advertising, LP ("Petitioner"), lessee of a portion of a 0.5 acre tract of land commonly known as 445 Linden Street (the "Property"). Petitioner is proposing to amend the Borough's Zoning Ordinance to facilitate the construction of a billboard on the Property.

In accordance with the provisions of the Borough's Zoning Ordinance, enclosed please find one (1) copy of a Petition to Amend the Columbia Borough Zoning Ordinance and its supporting documentation. I also enclose a check in the amount of \$800.00 to cover the filing fee. We will also provide an electronic copy of this submission via e-mail.

Sincerely,

Claudia N. Shank

MCNEES WALLACE & NURICK LLC

CNS/cf/4861-0152-1776 Enclosure

CC:

Steven Zuckerman, w/enclosure Devon Wagner, w/enclosure

# BEFORE THE BOROUGH COUNCIL OF THE BOROUGH OF COLUMBIA LANCASTER COUNTY, PENNSYLVANIA PETITION TO AMEND THE ZONING ORDINANCE OF THE BOROUGH OF COLUMBIA

Pursuant to Section 220-8 of the Columbia Borough Zoning Ordinance (the "Zoning Ordinance"), Oaktree Outdoor Advertising, LP, by and through its counsel, McNees Wallace & Nurick LLC, respectfully petitions the Borough Council of the Borough of Columbia (the "Council") to amend the Zoning Ordinance as hereinafter set forth. In support thereof, the following is averred:

- 1. The petitioner in this matter is Oaktree Outdoor Advertising, LP, a Pennsylvania limited partnership with an address of 1650 Manheim Pike, Lancaster, Pennsylvania 17601 ("Petitioner").
- 2. Petitioner desires to construct a digital billboard on a 0.5-acre tract of land located south of SR-30 and north of Linden Street in Columbia Borough (the "Borough"), Lancaster County, Pennsylvania, being commonly known as 445 Linden Street and being further identified by Lancaster County Tax Parcel ID No. 110-82960-0-0000 (the "Property"). The Property, which is in the Township's Highway Commercial Zoning District (the "HC District"), is improved with an approximately 6,279-square foot building that was the site of Columbia Borough Visitor Information Center. An aerial map of the Property is attached hereto as **Exhibit A**.
- 3. Petitioner wishes to install the digital billboard on the northwestern side of the Property to be viewed from S.R. 30 (the "Proposed Billboard") as generally depicted on **Exhibit**A. The Proposed Billboard, which is intended to incorporate promotional branding for the Borough and landscaping to create a gateway feature, is depicted on the sign renderings attached hereto as **Exhibit B**.
- 4. Section 220-56 of the Zoning Ordinance regulates off-premises signs in the Borough. Petitioner is seeking to amend Section 220-56 to accommodate the Proposed Billboard as set forth hereunder.

#### **Limited Access Highway Signs**

5. Off-premises signs or billboards are permitted in the HC District by Section 220-56(D)(1) of the Zoning Ordinance. The HC District is in two principal areas in the Borough- along S.R. 30 and along Lancaster Avenue. S.R. 30 has a substantially different character when compared to Lancaster Avenue which is not reflected in the Zoning Ordinance. As a result, the Zoning Ordinance's current regulations, while well-suited for the Lancaster Avenue corridor, deviate significant from industry standards along S.R. 30 where traffic travels at faster speeds and larger billboards are the typical.

- 6. To facilitate the Proposed Billboard, Petitioner is requesting an amendment to the Zoning Ordinance to incorporate a separate set of less restrictive requirements for off-premises signs intended to be viewed from limited access highways.
- 7. The requested amendment is designed to accommodate off-premises signs which are located on lots visible from high volume roads, such as S.R. 30. As such, the requirements for an off-premises sign located adjacent to a limited access highway ("Limited Access Highway Signs") reflect the unique physical characteristics of property located adjacent to limited access highways.
- 8. Billboards will continue to only be permitted in the HC District, and will be required to control lighting and glare, and to be maintained in a safe condition. In addition to adhering to these general requirements, signs along limited access highways shall be permitted to comply with the less restrictive criteria listed below to reflect the unique characteristics of the road from which they are intended to be viewed.

	Along limited access highways	All other off-premises signs
Location	A minimum of 5 feet from all lot lines and street rights-of-	A minimum of 25 feet from all lot lines and street rights-of-way
Maximum Sign Area <sup>1</sup>	672 square feet	300 square feet
Spacing	Separated by a minimum of 500 feet from any other off-premises sign, including signs on either side of a street and including existing signs in other municipalities	Separated by a minimum of 1,200 feet from any other off-premises sign, including signs on either side of a street and including existing signs in other municipalities
Maximum Height	45 feet above the elevation of adjacent street, measured at the street centerline	25 feet above the elevation of adjacent street, measured at the street centerline
Setback from Existing Residences	No off-premises sign greater than 10 square feet in sign area shall be located within 100 feet of an existing dwelling	No off-premises sign greater than 10 square feet in sign area shall be located within 200 feet of an existing dwelling
Frequency of Message Change (Electronic off- premises signs only)	Once every 7 second	Once every 30 seconds

<sup>&</sup>lt;sup>1</sup> In the case of back-to-back or "v shaped" off-premises signs, sign area shall be calculated by determining the greatest total area of all sign faces visible from any single location.

## Consistency of Proposed Amendments with Health, Safety and Welfare of Township Residents

- 12. Petitioner submits that the proposed amendment is consistent with public health, safety and the welfare of the residents of the Borough, and that they are appropriate for the following reasons:
  - a. The purpose of the Zoning Ordinance is, in pertinent part, to provide for coordinated and practical community development and growth in appropriate areas. The proposed amendment will facilitate the growth in the appropriate areas and provide adequate commercial advertising space.
  - b. The Zoning Ordinance does not address the practical demands associated with commercial advertising located near limited access highways. By amending the Zoning Ordinance to provide separate requirements for Limited Access Highway Signs, the Township takes into account the unique characteristics of signs intended to be viewed from limited access highways, and "provide[s] for growth in appropriate areas." *Id.* In a similar vein, Places2040, a Plan for Lancaster County ("Places2040"), emphasizes the importance of simplifying zoning. When variances from a zoning ordinance are required, a subjective decision-making process is created which lacks uniformity. Without the proposed amendments, Petitioner would need to seek zoning hearing board relief for the Proposed Billboard.
  - c. Places 2040 also highlights the public interest in making the boroughs of Lancaster County social and economic hubs of the urban growth areas surrounding them. By amending the Zoning Ordinance to allow Limited Access Highway Signs on qualifying lots, the Borough will help to create the social and economic energy within the Borough envisioned by Places 2040.

#### Conclusion

- 13. Based on the foregoing, Petitioner requests that the Council amend the Zoning Ordinance by adopting the proposed ordinance which is attached hereto as **Exhibit C** (the "Proposed Ordinance").
- 14. Petitioner reserves the right to supplement this Petition with additional evidence and testimony at the public hearing on this matter.

WHEREFORE, Petitioner respectfully requests that the Council adopt the Proposed Ordinance after consideration by the Council of the Borough of Columbia and the Lancaster County Planning Department.

Respectfully Submitted,

McNees Wallace & Nurick LLC
Attorneys for Oaktree Outdoor Advertising, LP

Date: 1/4/3, 2023

Claudia N. Shank, Esq.

# **EXHIBIT A**Aerial Map



# **EXHIBIT B**Sign Renderings





## **EXHIBIT C**Proposed Ordinance

#### BOROUGH OF COLUMBIA, LANCASTER COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF COLUMBIA, AMENDING THE CODE OF THE BOROUGH OF COLUMBIA PART II – CHAPTER 220 – ZONING – ARTICLE VII, SECTION 220-56 – OFF-PREMISES SIGNS- TO ALLOW OFF-PREMISES SIGNS ALONG LIMITED ACCESS HIGHWAYS SUBJECT TO LESS RESTRICTIVE STANDARDS THAN ALL OTHER OFF-PREMISES SIGNS IN THE BOROUGH.

WHEREAS, the Borough of Columbia, Lancaster County, Pennsylvania (the "Borough") a political subdivision of the Commonwealth of Pennsylvania, is governed by the Borough Council (the "Governing Body"); and

WHEREAS, after a public hearing and after consideration of all information, comments and questions, members of the Governing Body have deemed it beneficial to the residents of the Borough and to the promotion of the health, safety, morals, convenience, order and welfare of present and future inhabitants of the Borough to amend the Code of the Borough of Columbia (the "Code") as hereinafter set forth.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Governing Body of the Borough of Columbia, Lancaster County, Pennsylvania, as follows:

**SECTION 1:** The Code of Ordinances of the Borough of Columbia, Part II, Chapter 220, Article VII, Section 220-56(D) shall stricken in its entirety and replaced as follows:

- D. Permitted off-premises signs. An off-premises sign is only permitted if it meets the following requirements:
  - (1) District. An off-premises sign is only permitted in the HC District.
  - (2) Number Per Lot. No lot shall include more than one off-premises sign, and no off-premises sign or sign face shall be attached in any way to another off-premises sign. Notwithstanding the foregoing, back-to-back or "v shaped" off-premises signs are permitted provided that only one sign face is visible from any single location.
  - (3) Control of lighting and glare. See standards in § 220-38. With respect to digital off-premises signs, the following criteria shall also apply:
    - a. Each message shall be complete in itself and shall not continue on a subsequent sign message. The content must transition by changing instantly with no transition graphics.

- b. No digital off-premises sign shall display animated messages, including flashing, blinking, fading, rolling, shading, dissolving, or other effect that gives the appearance of movement.
- c. No digital off-premises sign shall include any audio message.
- d. Owners of digital off-premises signs shall permit applicable authorities to display, where appropriate, emergency information important to the traveling public, including Amber Alerts, Silver Alerts and weather or other emergency information.
- (4) Condition. The sign shall be maintained in a good and safe condition. The area around the sign shall be kept free of debris.
- (5) Off-premises signs shall be required to comply with the following criteria, based upon location:

	Along limited access	All other off-premises signs
	highways	
Location	A minimum of 5 feet from all	A minimum of 25 feet from all lot
	lot lines and street rights-of-	lines and street rights-of-way
	way	
Maximum Sign Area <sup>2</sup>	672 square feet	300 square feet
Spacing	Separated by a minimum of	Separated by a minimum of 1,200
	500 feet from any other off-	feet from any other off-premises
	premises sign, including signs	sign, including signs on either
	on either side of a street and	side of a street and including
	including existing signs in	existing signs in other
	other municipalities	municipalities.
Maximum Height	45 feet above the elevation of	25 feet above the elevation of
	adjacent street, measured at the	adjacent street, measured at the
	street centerline	street centerline
Setback from Existing	No off-premises sign greater	No off-premises sign greater than
Residences	than 10 square feet in sign area	10 square feet in sign area shall
	shall be located within 100 feet	be located within 200 feet of an
	of an existing dwelling	existing dwelling
Frequency of Message	Once every 7 seconds.	Once every 30 seconds.
Change (Electronic off-		
premises signs only)		

**SECTION 2:** All other provisions of the Code not amended or changed shall remain in full force and effect.

<sup>&</sup>lt;sup>2</sup> In the case of back-to-back or "v shaped" off-premises signs, sign area shall be calculated by determining the greatest total area of all sign faces visible from any single location.

<u>SECTION 3</u>: In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of this Ordinance, it being the intent of the Governing Body that the remainder of the Ordinance shall be and shall remain in full force and effect.

<b>SECTION 4:</b> This Ordinance shall take effect provided by law.	t and be in force from and after its enactment	as
<b>DULY ORDAINED AND ENACTED</b> by the Borough Council of the Borough of Col	D this day of, lumbia, Lancaster County, Pennsylvania.	, 2023,
	BY:(Vice) President, Borough Counc	 il
(SEAL) ATTEST: Secretary/Treasurer		
Approved by me this day	of, 2023	
	, Mayor	



#### **Planning Department**

150 North Queen Street | Suite 320 Lancaster, Pennsylvania 17603 Phone: 717-299-8333

www.lancastercountyplanning.org

**23LU** 

#### **County Commissioners**

Ray D'Agostino, Chairman Joshua G. Parson, Vice Chairman John B. Trescot, Commissioner

**Executive Director** Scott W. Standish

#### <u>MEMORANDUM</u>

To: Mark E. Stivers, Manager

Columbia Borough

From: Lancaster County Planning Department

Date: August 3, 2023

Re: Receipt of a Community Planning Review

Community Planning File #: 11-83

Proposed amendment to the Zoning Ordinance to allow off-premises signs along limited access highway subject to less restrictive standards than all

other off-premises signs in the Borough

The Lancaster County Planning Department has received the above-referenced proposal on **July 21, 2023**.

Should you have any questions regarding this submittal, please contact the senior planner for the above referenced municipality at (717) 299-8333.

JDH/kc

Copy: Claudia N. Shank, McNees Wallace & Nurick, LLC

S:\COMMUNPL\LCPC\2023\9-11-23\SCHEDULING LETTERS\AREAWIDES\AW-11-83.docx



#### **Sharon Cino**

**From:** Eustace, Farah <FEustace@lancastercountypa.gov>

**Sent:** Tuesday, July 18, 2023 11:55 AM

**To:** Frey, Cindy

Cc: DevonWagner (devon@oaktreeoutdoor.com); Rohrbaugh, Alex; Sharon Cino; Shank, Claudia

Subject: RE: Petition to Amend the Columbia Borough Zoning Ordinance

#### Received. Thank you.



#### Farah Eustace

Applications Coordinator

Lancaster County Planning Department 150 North Queen Street | Suite 320 Lancaster, Pennsylvania 17603

feustace@lancastercountypa.gov 717-299-8333

lancastercountyplanning.org

Note: The comments on and attached to this e-mail are intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. Please contact the sender and delete the original message, any attachment(s), and copies if you received this in error. Thank you for your cooperation.

From: Frey, Cindy <CFrey@mcneeslaw.com>

**Sent:** Tuesday, July 18, 2023 11:00 AM

To: Eustace, Farah <FEustace@lancastercountypa.gov>

**Cc:** DevonWagner (devon@oaktreeoutdoor.com) <devon@oaktreeoutdoor.com>; Rohrbaugh, Alex <ARohrbaugh@lancastercountypa.gov>; Sharon Cino <scino@columbiapa.net>; Shank, Claudia

<CShank@mcneeslaw.com>

Subject: [EXTERNAL] Petition to Amend the Columbia Borough Zoning Ordinance

Please see the attachment being sent to you on behalf of Claudia Shank, Esquire. The original letter and check have been placed in today's mail. Thank you - Cindy

## Cindy Frey PA Notary Public

Administrative Assistant to: Claudia N. Shank, Esquire Peter Wertz, Esquire Rachel Rowe, Esquire Kaitlan Kerwin, Esquire W. Nate McCormack, Esquire Mark Stanley, Esquire (Retired)



#### **McNees Wallace & Nurick LLC**

570 Lausch Lane, Suite 200 | Lancaster, PA 17601-3057

Tel: 717.581.3722 | Fax: 717.260.1751

Email | Website

The foregoing message may be protected by the attorney-client privilege. If you believe it has been sent to you in error, do not read it. Please reply to the sender that you have received the message in error, then delete it. Thank you.

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

#### **Sharon Cino**

From: Sent:

Sean Krumpe <noreply@jotform.com> Wednesday, August 9, 2023 2:30 PM

To:

Sharon Cino

Subject:

We have received your response for Property Referral Form



#### **Property Referral Form**

Address of Property

170 South Fifth Street , Columbia , PA, 17512

Please upload several color photographs of the property; including front, rear and both sides, if appropriate. Photographs showing neighboring properties would also be useful.

170.S.Fifth.Street.Front.House.pdf 170.S.Fifth.Street.SIDE.pdf

Name of Current Property Melissa L Garner Owner

Address of Current **Property Owner** 

170 South Fifth Street, Columbia, PA, 17512

Is the property currently

vacant?

Yes

If yes, for how long?

2 Years

Has the property been condemned by the municipality?

Yes

If yes, on what date?

February 1, 2021

PLEASE INCLUDE COPIES OF ALL **VIOLATIONS ISSUED** TO THE PROPERTY OWNER.

170.S.5th.St.2..2021.NOV.fire.condemnation.GL.pdf

170.S.5th.St.2.1.2021.NOV.fire.GL.pdf

170.S.5th.St.2.1.2021.NOV.fire.condemnation.GL.2.pdf 170.S.5th.St.2.1.2021.NOV.fire.condemnation.GL.3.pdf 170.S.5th.St.2.1.2021.NOV.fire.condemnation.GL.4.pdf

Any premises which because of physical

No

condition or use is regarded as a public nuisance at common law or has been declared a public nuisance in accordance with the local housing, building, plumbing, fire and related codes. The referring municipality must formally declare the property as a public nuisance for this element of blight to be cited.

If yes, please document below:

The Columbia Borough Planning Commission will meet on August 15, 2023. The agenda includes and action item to make a motion to begin the blighting process.

Any premises which because of physical condition, use or occupancy is considered an attractive nuisance to children, including but not limited to, abandoned wells, shafts, basements, excavations, and unsafe fences or structures. This may include unauthorized entry because the owner has failed to take reasonable and necessary measures to secure the building or the municipality has secured the building to prevent such hazards after the owner has failed to do so. If the municipality has secured the building, documentation stating such should be included. Photographs of dangerous conditions should be attached.

Yes

If yes, please document below:

Documentation has been provided.

Any dwelling which because it is dilapidated, unsanitary, unsafe, vermin infested or lacking in the facilities and Yes

equipment required by the Housing Code of the municipality, has been designated by the department responsible for enforcement of the Code as unfit for human habitation or condemned by the municipality.

If yes, please document below:

A condemnation was issued against the property February 1, 2021.

Any structure which is a fire hazard, or is otherwise dangerous to the safety of persons or property. This element of blight can only be cited if either the property has had a previous fire or if there have been citations for excessive garbage or flammable materials in the building that would increase the risk of fire.

No

Any structure from which No the utilities, plumbing, heating, sewage or other facilities have been disconnected, destroyed, removed or rendered ineffective so that the property is unfit for its intended use.

Any vacant or unimproved lot or parcel of ground in a predominantly built up neighborhood, which due to neglect or lack of maintenance, has become a place for accumulation of trash and debris, or a haven for rodents or other vermin.

Yes

If yes, please document below:

Borough recently replaced lock on the property on July 10, 2023.

Any property which is vacant and tax delinquent for a period of two years.

No

A property which is vacant but not tax delinquent and which has not been rehabilitated within one year of the receipt of notice to rehabilitate from the appropriate enforcement agency.

INC

Type a question

Yes

If yes, please document below:

No response from the owner has been made to the Borough.

A property which has defective or unusual conditions of title or no known owners, rendering title unmarketable. No

A property which has environmentally hazardous conditions, solid waste pollution or contamination in a building or on the land which poses a direct and immediate threat to the health, safety and welfare of the community.

No

How long have the conditions of blight described above existed? (number of years/months/years)

2 years

What was the most recent previous use of the property?

Residential (single-family)

Please provide a brief history of citations issued that document code violations, including dates of notification of violations and whether violations still exist. There is an open notice of violation for the fire to the property entered on February 1, 2021.

If you would prefer to attach citations or written reports rather than list violations, pleas attach files here.

#### 170.S.5th.St.2.1.2021.NOV.fire.GL.LETTER.pdf

Provide any information regarding prior or current rehabilitation of this property.

None.

Has your municipality committed funds for acquisition, rehabilitation, or demolition for this property?

No

Name of applicant completing this form:

Sharon Cino

Title:

Planning and Zoning Manager

Municipality:

Columbia Borough

Municipal Address:

308 Locust Street, Columbia , PA, 17512

Phone Number

(717) 684-2467

**Email** 

scino@columbiapa.net

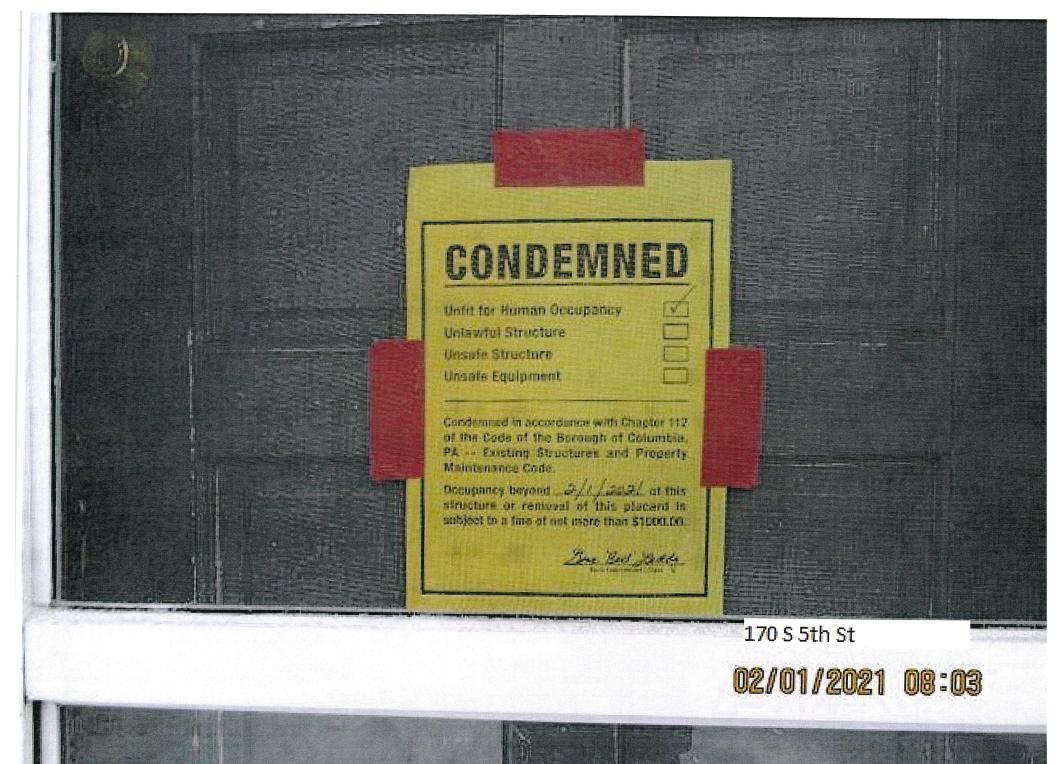
Date

08-09-2023

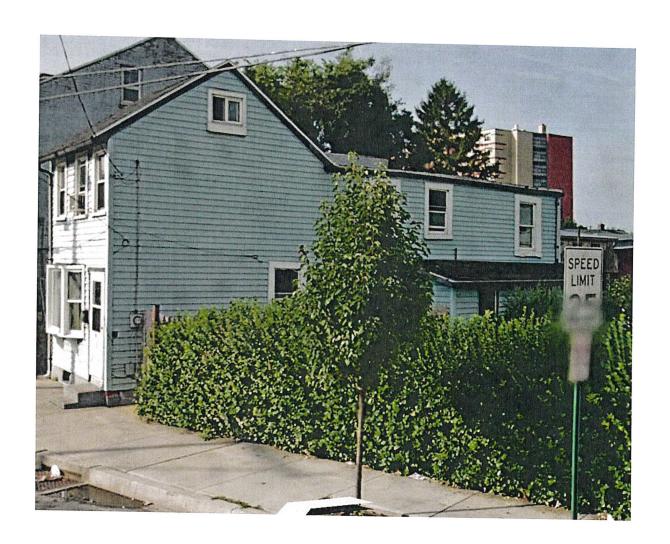
Now create your own Jotform - It's free!

Create a Jotform

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.







#### **Sharon Cino**

From: Sent:

Sean Krumpe <noreply@jotform.com> Wednesday, August 9, 2023 1:30 PM

To:

Sharon Cino

Subject:

We have received your response for Property Referral Form



## **Property Referral Form**

Address of Property

313 N 2nd Street , Columbia , PA, 17512

Please upload several color photographs of the property; including front, rear and both sides, if appropriate. Photographs showing neighboring properties would also be useful.

313.N.2ND.ST.TRASH.RUBBISH.pdf 313.N.2nd.St..Broken.Rails.pdf 313.N.2nd.St.Repair.Spouting.pdf 313.N.2nd.Street.Condemned.Photo.2.pdf 313.N.Second.Street.Condemned.Photo.pdf

Name of Current Property David Morales Rivera Owner

Address of Current Property Owner

689 Euclid Avenue, Lancaster, PA, 17603

Is the property currently vacant?

Yes

If yes, for how long?

6 years

Has the property been condemned by the municipality?

Yes

If yes, on what date?

06/22/2017

Any premises which because of physical condition or use is regarded as a public nuisance at common law or has been declared a public nuisance in accordance with the local housing, building,

No

plumbing, fire and related codes. The referring municipality must formally declare the property as a public nuisance for this element of blight to be cited.

If yes, please document below:

The Columbia Borough Planning Commission (CBPC) is scheduled on August 15, 2023, to make a motion to begin the blighting process.

Any premises which because of physical condition, use or occupancy is considered an attractive nuisance to children, including but not limited to, abandoned wells, shafts, basements, excavations, and unsafe fences or structures. This may include unauthorized entry because the owner has failed to take reasonable and necessary measures to secure the building or the municipality has secured the building to prevent such hazards after the owner has failed to do so. If the municipality has secured the building, documentation stating such should be included. Photographs of dangerous conditions should be attached.

Yes

If yes, please document below:

As of 6/22/17 the property located at 313 N Second Street, Columbia, PA has been condemned.

On July 11, 2023 the Borough placed new locks on the property and placed a new placard.

Any dwelling which because it is dilapidated, unsanitary, unsafe, vermin infested or lacking in the facilities and equipment required by the Housing Code of the municipality, has been

Yes

designated by the department responsible for enforcement of the Code as unfit for human habitation or condemned by the municipality.

If yes, please document below:

The Borough's date of condemnation was June 22, 2017. As stated in the condemnation letter the utilities have been and remain shut off.

Any structure which is a fire hazard, or is otherwise dangerous to the safety of persons or property. This element of blight can only be cited if either the property has had a previous fire or if there have been citations for excessive garbage or flammable materials in the building that would increase the risk of fire.

Yes

If yes, please document below:

The Borough has issued numerous citations for excessive trash/rubbish.

Any structure from which the utilities, plumbing, heating, sewage or other facilities have been disconnected, destroyed, removed or rendered ineffective so that the property is unfit for its intended use.

Yes

If yes, please document below:

The Borough has confirmed the utilities have been shut off.

Any vacant or unimproved lot or parcel of ground in a predominantly built up neighborhood, which due to neglect or lack of maintenance, has become a place for accumulation of trash and debris, or a haven for rodents or other vermin.

Yes

Any property which is vacant and tax delinquent for a period of two years.

No t

A property which is vacant but not tax delinquent and which has not been rehabilitated within one year of the receipt of notice to rehabilitate from the appropriate enforcement agency.

No

Type a question

No

If yes, please document below:

Since 2017 the family (Luz Rivera Valentin) of the deceased owner have not remediated the blighted conditions.

A property which has defective or unusual conditions of title or no known owners, rendering title unmarketable.

Yes

If yes, please document below:

The property owner listed on title is deceased. A relative of the owner has been identified as Luz Rivera Valentin located at 689 Euclid Avenue, Lancaster, PA 17603.

A property which has environmentally hazardous conditions, solid waste pollution or contamination in a building or on the land which poses a direct and immediate threat to the health, safety and welfare of the community.

No

How long have the conditions of blight described above existed? (number of years/months/years)

6 years

What was the most recent previous use of the property?

Residential (single-family)

Please provide a brief history of citations issued

The property violations (warnings, complaints, notice of violations, and quick tickets) occurred in 2016,2017, 2020, and

that document code violations, including dates of notification of violations and whether violations still exist.

on July 11,2023 new locks and a condemnation placard was placed on the property.

List utilities that have been disconnected and date on which they were cut off (if known).

As stated in the June 22, 2017 condemnation letter a red tag was identified on meter as evidence of the utility shut off.

Has your municipality committed funds for acquisition, rehabilitation, or demolition for this property?

No

Name of applicant completing this form:

Sharon Cino

Title:

Planning and Zoning Manager

Municipality:

Columbia Borough

Municipal Address:

308 Locust Street , Columbia , PA, 17512

Phone Number

(717) 684-2467

Email

scino@columbiapa.net

Date

08-09-2023

Now create your own Jotform - It's free!

Create a Jotform

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.









#### **Planning Department**

150 North Queen Street | Suite 320 Lancaster, Pennsylvania 17603 Phone: 717-299-8333

www.lancastercountyplanning.org

23LU

#### **County Commissioners**

Ray D'Agostino, Chairman Joshua G. Parson, Vice Chairman John B.Trescot, Commissioner

Executive Director Scott W. Standish

#### **MEMORANDUM**

To: Mark E. Stivers, Manager

Columbia Borough

From: Lancaster County Planning Department

Date: August 3, 2023

Re: Receipt of a Community Planning Review

Community Planning File #: 11-84 Proposed Comprehensive Plan

The Lancaster County Planning Department has received the above-referenced proposal on **July 24**, **2023** and scheduled the proposal for review at the Commission meeting on **September 11**, **2023** at <u>2:30 p.m.</u> in the 1<sup>st</sup> Floor LCPC Meeting Rooms at 150 North Queen Street, Lancaster, Pennsylvania. The meeting will also be presented online using the Lifesize app at <a href="https://call.lifesizecloud.com/1696302">https://call.lifesizecloud.com/1696302</a>.

Please feel free to contact others who should be made aware of the review. All those interested in the proposal are welcome to attend the meeting and comment on the proposal. However, attendance is not necessary. A copy of the final letter of recommendation from the Planning Commission will be emailed to you following the meeting.

Thank you for your cooperation in submitting this proposal. Should you have any questions regarding this submittal, please contact the senior planner for the above referenced municipality at (717) 299-8333.

#### JDH/kc

S:\COMMUNPL\LCPC\2023\9-11-23\SCHEDULING LETTERS\AREAWIDES\AW-11-84.docx

