

Hanover

Engineering Associates Inc

June 11, 2010

Mr. Paul Vranesic, President
Cornwall Borough Council
36 Burd Coleman Road
PO Box 667
Cornwall, PA 17016

RE: Proposed Coordinated Mixed Use Overlay
District Regulations
Response to Dwight Yoder Letter of June 1,
2010
Hanover Project CW09-13(A)

Dear Mr. Vranesic:

In his letter to Borough Council dated June 1, 2010, Attorney Dwight Yoder questions the proposed Coordinated Mixed Use Overlay District (CMU) Zoning Amendment's consistency with Cornwall Borough's Comprehensive Plan and Zoning Ordinance, and recommends that Borough Council not act to adopt the amendment. As requested, I have reviewed Attorney Yoder's letter, regarding the proposed amendment and have the following comments for your consideration:

- A. It is my understanding that all Council members have received a copy of Bob Heuser's comments on the letter (forwarded via an email from Paul Callahan on Friday, June 4th). As a result, I will not repeat the points made in that email.
- B. In his Comment 1, Mr. Yoder states that the proposed amendment "seeks to establish a large new zoning district under Article VII of the Municipalities Planning Code (MPC), which provides for "Planned Residential Development" or PRDs." He then goes on to cite Section 704-A of the MPC, which states the following (emphasis added):

Section 704-A. Applicability of Comprehensive Plan and Statement of Community Development Objectives. All provisions and all amendments to the provisions adopted pursuant to this article **shall** be based on and interpreted in relation to the statement of community development objectives of the zoning ordinance and **shall** be consistent with either the comprehensive plan of the municipality or the statement of community development objectives in accordance with section 606. Every application for the approval of **a traditional neighborhood development shall** be based on and interpreted in relation to the statement of community development objectives, and **shall** be consistent with the comprehensive plan.

Unfortunately, Mr. Yoder referred to the wrong section of the MPC to preface his remarks. Section 704-A is found in Article VII-A - Traditional Neighborhood Development. The correct section is found in Article VII, Section 703, which reads as follows, which doesn't impose as strict a standard for review:

Section 703. Applicability of Comprehensive Plan and Statement of Community Development Objectives. All provisions and all amendments thereto adopted pursuant to this article **shall** be based on and interpreted in relation to the statement of community development objectives of the zoning ordinance and **may** be related to either the comprehensive plan for the development of the municipality prepared under the provisions of this act or a statement of legislative findings in accordance with section 606. Every application for approval of a planned residential development either **shall** be based on and interpreted in relation to the statement of community development objectives, and **may** be related to the comprehensive plan, or shall be based on and interpreted in relation to the statement of legislative findings.

- C. How does the proposed Zoning Ordinance amendment relate to the general goals of the Borough's Comprehensive Plan? I have attached a point-by-point response. **As can be seen from the attached response, I find the proposed amendment to the Cornwall Borough Zoning Ordinance to be generally consistent with the existing Cornwall Borough Comprehensive Plan.** [NOTE: The Community Development Objectives (Section 103 of the Zoning Ordinance) are identical to the General Goals of the Comprehensive Plan].
- D. As part of a future Tentative Plan submission, the Developer will be required to submit "a written statement explaining why the proposed Planned Development would be in the public interest and would be consistent with the Borough Comprehensive Plan, and what modifications are necessary to the Borough land use regulations which would otherwise be applicable to the subject property" [existing Zoning Ordinance Section 1702 F.3.a].
- E. It should be noted that the proposed zoning amendment relating to commercial (and industrial) uses is consistent with the Lebanon County Comprehensive Plan, which identifies the portions of the tract currently zoned for industrial use as "Suburban Business," which would entail Primary Uses such as commercial retail, commercial office, light industrial/warehousing, institutional (educational, health care and local government) and Secondary Uses such as recreation (trails), regional commercial, heavy industry (manufacturing), medium and high density residential [excerpts from the County's Plan are attached].
- F. The Developer's Land Planner, Bob Heuser has more than adequately rebutted Mr. Yoder's comments related to permitted uses, intensity of uses, building heights, industrial operations, etc. Many of the concerns raised in the letter must be resolved to Borough Council's satisfaction during the future review of a detailed, engineered Tentative Plan for the proposed development
- G. Comments on the traffic impacts of a proposed development have been generated by Traffic Consultant, Chris May.


As I stated in my April 12, 2010, letter, the proposed Coordinated Mixed Use Overlay District regulations: (1) provide for a range of residential uses at densities that are generally consistent with the underlying zoning districts; (2) provide for the coordinated development of portions of the Borough that have previously been disturbed by mining activities; (3) include provisions to minimize impacts on the existing wooded areas of the Borough; (4) include provisions that will control the new traffic generated from the development; and (5) include provisions that will minimize impacts on the historic villages in the Borough.

When the proposed ordinance language is combined with the proposed forty-eight (48) conditions of approval of the Tentative Plan being proposed by H&K, the resulting development is one which will have a positive fiscal impact to both the Borough and the school district. A positive fiscal impact would be highly unlikely from a project developed under the existing Borough Ordinances.

If you have any questions about the above, please feel free to contact the undersigned.

Respectfully,

HANOVER ENGINEERING ASSOCIATES, INC.



R. Steven Dellinger, AICP

rsd/ah

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Enclosure

ATTACHMENT

HOW DOES THE PROPOSED ZONING ORDINANCE AMENDMENT RELATE TO THE GENERAL GOALS OF THE BOROUGH'S COMPREHENSIVE PLAN?

[NOTE: The Community Development Objectives (Section 103) of the Zoning Ordinance are identical to the General Goals of the Comprehensive Plan]

GENERAL GOALS

- To preserve the community character that makes Cornwall Borough a unique, distinctive and identifiable place.

Among other provisions, the proposed Zoning Ordinance amendment includes (1) provisions that would require setbacks and buffering between proposed and existing development; (2) limitations on new street connections to the existing Borough street network to minimize new development traffic through existing Borough neighborhoods; and (3) the requirements for architectural design guidelines to insure high quality design and compatibility throughout the proposed neighborhoods. The architectural compatibility requirements of the existing Zoning Ordinance would also apply in the affected Burd Coleman and Minersvillage Historic Overlay areas.

- To develop a coordinated land use pattern that provides a variety of uses, recognizes land capacity and respects natural features.

The Future Land Use Map in the Borough's Comprehensive Plan was prepared to reflect a coordinated land use pattern for the Borough that provided for a variety of land uses, recognized land capacity and respected natural features. The Future Land Use Map served as the basis for the Borough's current Zoning Map. The revised Zoning Ordinance that was adopted in June 2001 included numerous provisions related to the protection the environmental and natural features of the Borough. For example, the regulations of Article 20 (the Environmental Protection Overlay District) are designed to protect environmentally sensitive areas and resources such as wetlands; threatened or endangered vegetation or wildlife habitats as listed in the PNDI; significant trees or vegetation; and areas of steep slope. The Environmental Protection Overlay District is further intended to ensure that development does not result in the destruction of such resources during site preparation and the development process. Any development proposed in the Borough must comply with the requirements of the Zoning Ordinance.

- To protect, conserve and preserve the open spaces, forestlands, drainage ways, floodplains and other natural resources of the Borough.

(See the above response). The existing Borough Zoning Ordinance also has detailed regulations related to floodplain areas. Article 20 of the existing Zoning Ordinance has a requirement that no more than thirty percent (30%) of any woodland parcel may be cleared for subdivision or land development. The proposed CMU Zoning Ordinance amendment has a requirement that not less than 40% of the gross area of a CMU Development Tract shall be devoted to open space.

- To preserve agricultural areas for agricultural use and maintain its importance in the local and regional economy.

No agriculturally designated or agriculturally zoned land is affected by this application.

- To provide for residential and non-residential growth in appropriate areas so as to avoid the problems of random development.

The Borough's existing Zoning Ordinance/Zoning Map provides for residential and non-residential growth in appropriate areas so as to avoid the problems of random development. Development under the existing Zoning provisions could result in numerous types and sizes of developments – by different developers. By design, a CMU development constructed under the proposed CMU Overlay provisions would be a coordinated development, controlled by one (1) developer – with the opportunity for off-site improvements that would not exist if the area encompassed by the proposed CMU Overlay were developed in a piecemeal fashion.

- To maintain and improve a healthful residential environment with adequate recreational, commercial and industrial supporting areas.

The proposed Zoning Ordinance amendment would provide for planned residential development, under common control and with requirements for guidelines for architectural design, etc. – something that could not be required by the Borough if the 500-plus acre tract was developed piecemeal by multiple developers/builders. The proposed amendment would require open space and recreational areas, as well as provide for neighborhood commercial uses to serve the new (and existing) residents of the Borough.

- To provide for the diverse housing needs of all Borough residents.

The proposed Zoning Ordinance amendment would allow a wide range of housing types, including single family detached dwellings, single family semidetached dwellings, duplex dwellings, townhouse dwellings and apartment dwellings

- To provide for the safe, efficient and convenient movement of people and goods.

[Reference the response from Chris May]

- To maintain and improve the economic base of the Borough and provide employment opportunities for all residents.

The Fiscal Impact Analyses prepared during the drafting of the proposed Zoning Ordinance amendment have demonstrated that a CMU Development completed under the provisions of the proposed amendment would result in a more favorable economic impact on both the Borough and the School District – than would development that was completed under the provisions of the existing Zoning Ordinance.

- To provide needed community facilities, utilities and services of levels commensurate with a growing population.

Any development completed under the provisions of the proposed Zoning Ordinance amendment will require (1) the extension of public water and sewerage facilities; (2) the construction of new streets and the upgrading of existing Borough streets; (3) the provision of extensive open space areas; and (4) the dedication of new public recreation areas – or the payments of fees in lieu of dedication. The amendment also allows the construction of public and semipublic uses and structures, including (1) community clubs; (2) community facilities such as police and fire protection facilities, museums, libraries, etc.; (3) day care facilities; (4) churches and related uses; and (5) municipal buildings.

- To explore opportunities to cooperate with neighboring municipalities in order to promote the economical and efficient provision of all municipal services.

Not applicable to specific development proposals.