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MONROE COUNTY PLANNING COMMISSION

December 9, 2022

Jacob Pride, Chairman
Smithfield Township Board of Supervisors
1155 Red Fox Road
East Stroudsburg, PA 18301

Re: Mountain Manor Rezoning R-1 to ED
Zoning Map Amendment (Revised)
Smithfield Township
MCPC Review #214-22

Dear Mr. Pride:

The above cited amendments were reviewed by Eric Koopman, Lead Senior Planner, on behalf of the Monroe County Planning Commission. You will find the comments enclosed.

All comments are preliminary and will be acted upon by the Planning Commission at its regular meeting on January 10, 2023 at 5:00 p.m. at the Monroe County Administrative Center. This action is in keeping with the Planning Commission's review policy and allows the municipalities and other interested parties to respond to the review comments before the Planning Commission's public meeting.

If these comments are not amended and are found to be acceptable by the Board at the next meeting, they should be considered to be approved as enclosed.

If you have any questions, or if we can be of further service to you, please feel free to contact me.

Sincerely yours,

Christine Meinhart-Fritz
Director

CMF/ek
Cc: Julia Heilakka, Office Manager


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MONROE COUNTY PLANNING COMMISSION

TO: Christine Meinhart-Fritz, Director

FROM: Eric Koopman, Lead Senior Planner 

DATE: December 9, 2022

SUBJECT: Mountain Manor Rezoning R-1 to ED
Zoning Map Amendment (Revised)
Smithfield Township
MCPC Review #214-22

The Township of Smithfield is being petitioned by Russell D. Scott, III and Craig N. Scott; Orchard BJK Company, LLC and M. Manor Holding, LP to extend the Economic Development (ED) zoning district. Specifically, the petitioner is proposing to rezone all or portions of five parcels (Tax ID #16.6.1.30, #16.6.1.32, #16.6.1.42, #16.6.1.42-1, and #16.6.1.46-2) located on both sides of Marshalls Creek Road and to the north of Milford Road (S.R. Business 209), from Low-Density Residential (R-1) to ED. The area to be rezoned is approximately 170 acres and portions were previously developed as a former golf course.

The above mentioned zoning map amendments have been reviewed on the basis of generally accepted planning principles and the provisions set forth by the Pennsylvania Municipalities Planning Code (PMPC), as amended. The following comments are offered:

1. Our office has previously reviewed the proposed zoning map amendments (MCPC Review #138-22) on August 24, 2022. Comments that remain valid are included within this review.
2. It should be noted that this office received the proposed amendment upon request on November 30, 2022 and that a public hearing for its adoption is scheduled for December 14, 2022 (*public advertisement published November 28, 2022*). As per the PMPC, the county planning commission is to be provided a 30-day review period to offer the municipality comments (Section 609.(e)). Adopting the amendment before the required review period has expired may result in the amendment being subject to challenge. This should be discussed with the Township solicitor.
3. The Township should determine if the proposed rezoning would result in the possible development of land-uses that are inconsistent with the existing surrounding land uses and if the rezoning would not be in accord with the Township's comprehensive plan. It should be noted that adjacent land-uses for the property in question include a number of residential dwellings to the northwest. The Township should discuss this with their solicitor.

4. The applicant initially proposed the rezoning in order to construct a 'dry goods warehouse use' but offered no further justification for the proposed rezoning. Given the large area in question and the broad differences in permitted uses between the R-1 and ED districts, the Township should carefully consider implications of the proposed rezoning in terms of potential impacts to the surrounding natural and built environment.
5. A significant portion of the Township is currently zoned ED, and warehouse uses are permitted by right in this district. The current ED district area appears reasonable to accommodate such non-residential development options for the Township as it now exists without increasing additional acreage. The existing Industrial (M-1) district also permits this use.
6. While expanding the ED district would allow for a variety of other non-residential land-uses that could provide economic benefit, the impact of the applicant's intended use of the property for warehousing will likely have a much greater impact to the surrounding community than other commercial uses. It should be noted that the Township does not have any additional specific standards for warehousing or distribution centers. The Township is encouraged to explore incorporating other requirements and updated definitions for warehousing or distribution centers.
7. The specific acreage to be affected by the proposed rezoning is not indicated in the submitted materials. Including such information would facilitate the review process.
8. It should be noted that according to the Smithfield Township Comprehensive Plan Update of 2001, a community survey indicated that warehouse/distribution centers were generally found to be discouraged by local residents (Goals and Objectives, Page 2-2). While the plan acknowledges the need to balance residential share of the tax burden with commercial and industrial properties, such businesses are to be located in areas zoned as such. The original proposed zoning districts within the plan have this area intended as residential.
9. It is recommended that the Township ensure that appropriate landscape buffers are in place within the zoning ordinance in order to reduce potential adverse impacts between residential and commercial districts.
10. If any revisions are made to the proposed zoning map amendment, it must be re-submitted to the MCPC for review prior to adoption. This requirement was affirmed by the Pennsylvania Commonwealth Court in *Hanover Healthcare Plus, Inc. v. Zoning Hearing Board of Penn Township* 875 A.2d 1255 (Pa. Cmwlth 2005). It is recommended that the Township discuss this with their solicitor.
11. The Staff has reviewed the proposed zoning map amendment and finds adoption of the proposed amendment to be a matter of local determination.

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In an attempt to maintain a library of municipal ordinances, we request that any adopted ordinance amendments (Zoning, Zoning Map and SALDO) be sent to the MCPC within 30 days of enactment as specified in the PMPC.

This review is subject to the approval of the Monroe County Planning Commission at its next regularly scheduled meeting.