

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :  
: No. 2018-18  
APPLICATION OF CONESTOGA :  
VALLEY SCHOOL DISTRICT :

DECISION

**I. FINDINGS OF FACT**

1. Applicant is Conestoga Valley School District, 2110 Horseshoe Road, Lancaster, Pennsylvania 17601 ("Applicant").

2. The property which is the subject of the instant application is 462 Mount Sidney Road, East Lampeter Township, Lancaster County, Pennsylvania (the "Property").

3. Applicant is the record owner of the Property.

4. The Property is located in the Agricultural District and Airport Overlay District as shown on the Official Zoning Map of East Lampeter Township.

5. Notice of the hearing on the within application was duly advertised and posted in accordance with the provisions of the Pennsylvania Municipalities Planning Code ("MPC") and the East Lampeter Zoning Ordinance of 2016 (the "Zoning Ordinance").

6. A public hearing was held before the Zoning Hearing Board

of East Lampeter Township ("Board") on this application on September 27, 2018.

7. Testimony at the hearing was stenographically recorded.

8. J. Marc Kurowski, of K & W Design Environments, appeared at the hearing and testified on behalf of Applicant.

9. Maryann Marotta and Wesley Enterline, Applicant's architects, also appeared at the hearing on behalf of Applicant.

10. Applicant has requested: (i) a special exception pursuant to Section 3020.C.10 of the Zoning Ordinance; and (ii) a special exception pursuant to Section 21030.F.5.a of the Zoning Ordinance.

11. Section 3020.C.10 of the Zoning Ordinance states that schools are permitted by special exception within the Agricultural District, subject to the requirements set forth in Section 23740 of the Zoning Ordinance.

12. Section 21030.F.5.a of the Zoning Ordinance states that the following use is permitted by special exception within Surface Area 4 of the Airport Overlay District: All uses permitted by special exception within the underlying zoning district.

13. The Property is located adjacent to another property owned by Applicant. The adjacent property is presently developed with the Conestoga Valley High School and Middle School and associated facilities.

14. Applicant desires to consolidate the Property and adjacent property.

15. Applicant desires to construct upon the Property a new Middle School, athletic fields, storm water management facilities, and related parking facilities.

16. The proposed improvements are more fully shown on the plans and materials (collectively the "Plans") presented to the Board.

17. The new Middle School will be for grades 6, 7 and 8.

18. As more fully shown on the Plans, the new Middle School will be a split level building (with a three-story classroom wing) because of the slope of the Property.

19. Because of enrollment growth, Applicant is moving grade 6 of the elementary schools to the new Middle School.

20. The existing Middle School will be converted to an elementary school.

21. There will be 1,696 parking spaces provided across the school campus, which is in excess of the number required by the Zoning Ordinance.

22. Access to the Property will be internal and the existing campus entrances will be utilized. There will be no new entrances/exits onto Horseshoe Road or Mount Sidney Road.

23. The Middle School will be served by public sanitary sewer and on-lot well.

24. No persons appeared in opposition to the application.

## II. CONCLUSIONS OF LAW

1. An applicant for a special exception has the burden of proof as to the specific criteria and standards of the zoning ordinance. Abbey v. Zoning Hearing Board of the Borough of East Stroudsburg, 126 Pa. Commonwealth Ct. 235, 559 A.2d 107 (1989); Bray v. Zoning Board of Adjustment of the City of Philadelphia, 48 Pa. Commonwealth Ct. 523, 410 A.2d 909 (1980).

2. An applicant for a special exception bears the burden of proving that he will comply with all requirements of the zoning ordinance relative to the use intended. Ralph & Joanne's, Inc. v. Neshannock Township Zoning Hearing Board, 121 Pa. Commonwealth Ct. 83, 550 A.2d 586 (1988).

3. Applicant presented sufficient testimony to establish compliance with Section 3020.C.10, Section 23740, and Section 21030.F.5.a of the Zoning Ordinance.

4. Conditions must be attached to the grant of the special exceptions to protect and preserve the surrounding neighborhood.



### **III. DECISION**

Based upon the foregoing findings of fact and conclusions of law, the Zoning Hearing Board of the Township of East Lampeter hereby grants the application of Conestoga Valley School District for: (i) a special exception pursuant to Section 3020.C.10 of the Zoning Ordinance; and (ii) a special exception pursuant to Section 21030.F.5.a of the Zoning Ordinance. The special exceptions granted herein shall be subject to the following conditions and safeguards which the Board deems necessary to implement the purposes of the Zoning Ordinance and the MPC:

1. Applicant shall obtain all approvals and permits required by applicable federal, state and Township laws and regulations.

2. Applicant shall at all times comply with and adhere to the information and representations submitted with and contained in its application and the evidence presented to the Board at the hearing held on September 27, 2018.

3. Applicant shall consolidate the Property with its adjacent property, creating one combined lot.

4. Any violation of the conditions contained in this Decision shall be considered a violation of the Zoning Ordinance and shall be subject to the penalties and remedies contained in the Pennsyl-

vania Municipalities Planning Code.


5. The approval granted by this Decision shall expire in accordance with the terms of Section 25070 of the Zoning Ordinance.

6. The foregoing Decision shall be binding upon the Applicant and its successors and assigns.

ZONING HEARING BOARD OF THE  
TOWNSHIP OF EAST LAMPETER

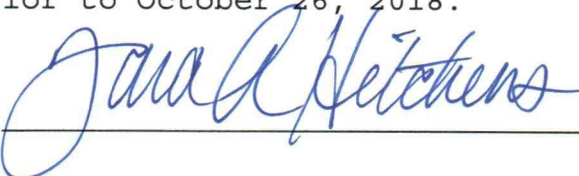
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James Glick, Chairman

  
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J. Scott Enterline, Vice-Chairman

  
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Lester Weaver, Secretary

Dated and filed October 25, 2018, after hearing held on September 27, 2018.

The undersigned certifies that a copy of this Decision was served upon all parties on or prior to October 26, 2018.

  
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