

IN RE:
APPLICATION OF GOODMAN
CARLISLE, LLC

: BEFORE THE ZONING HEARING
: BOARD OF DICKINSON TOWNSHIP
: CUMBERLAND COUNTY, PENNSYLVANIA
: DOCKET NO. 2016-03

**FINDINGS OF FACT, CONCLUSIONS OF LAW
AND DECISION GRANTING
APPLICANT'S REQUEST FOR ZONING VARIANCES**

The Applicant seeks dimensional sign variances from the maximum size requirements for signs advertising the sale or development of the premises on which they are erected and signs located on the face of buildings; and the maximum projection of a sign beyond the face of a building, as set forth in the Dickinson Township Zoning Ordinance. A hearing on the application was held by the Dickinson Township Zoning Hearing Board on September 21, 2016 at 4:00 p.m. at the Dickinson Township Municipal Building, 219 Mountain View Road, Mount Holly Springs, PA 17065.

FINDINGS OF FACT

1. The Applicant is Goodman Carlisle, LLC (the "Applicant"), with an address of 18201 Von Karman Avenue, Suite 1170, Irvine, CA 92612.
2. The Applicant is the owner of the Goodman Logistics Center, located at 2000 Allen Road, Carlisle, PA 17013 (the "Subject Property"). The Parcel Identification Number is 08-08-0581-005.
3. The Subject Property is zoned Business-Industrial (B-I) District and consists of approximately 125 acres.

4. The Goodman Logistics Center, which will consist of two buildings: Building 1, approximately 1,007,868 square feet in size and Building 2, approximately 938,828 square feet in size, is currently under construction on the Subject Property, the majority of which will be located in Dickinson Township (the "Township").

5. The remainder of the Subject Property is located in the Borough of Carlisle and South Middleton Township.

6. The Subject Property fronts on and is situated between Interstate 81 and Ritner Highway at the northwestern quadrant of the Exit 44 interchange of Interstate 81. The Subject Property also fronts on Allen Road.

7. The Subject Property has more than one-half mile of frontage on Interstate 81.

8. Interstate 81 is a major, high-speed, limited access, multi-lane, divided highway, with a speed limit of 55 miles per hour.

9. Within the Township portion of the Subject Property, the Applicant desires to install two signs along Interstate 81, which would advertise leasing opportunities on the Subject Property (the "Real Estate Signs"), and two wall signs oriented toward motorists traveling through the area on Interstate 81, and situated above the office entrances located at the southwest corner of each of buildings (the "Wall Signs").

10. The Applicant is requesting a variance from the maximum sign limitation for the Real Estate Signs so as to permit them to each be 96 square feet in area, located along Interstate 81, and constructed in a "V" shape pattern, with a minimum separation distance between the sign face of six (6) inches.

11. The requested variance for the Real Estate Signs would decrease the total number of real estate signs permitted on the Township portion of the Subject Property from four (4) to two (2) and thereby improve the visual character and reduce visual clutter along the streets adjoining the Subject Property.

12. The Applicant is also requesting a variance from the maximum total gross surface area limitation of signs with only one gross surface area visible for the Wall Signs, so as to permit each of them to be approximately 125 square feet in area.

13. The requested variance for maximum total gross surface area limitation of the Wall Signs would reduce the necessity for additional freestanding business signs on the Subject Property, thereby improving the visual character and reducing visual clutter along the streets adjoining the Subject Property. In addition, the requested variance would permit development with a more consistent and compatible overall signage program for the Subject Property.

14. The larger signs would enable larger lettering that would help to provide adequate time and travel distance for motorists along Interstate 81 to detect, read and understand the contents of the signs.

15. Lastly, the Applicant is requesting a variance from the maximum projection limitation for the Wall Signs, so as to permit each of them to be located on the building walls to project ten (10) inches from the walls.

16. The requested variance for the projection of the Wall Signs would ensure that the signs are safely attached to the building walls and provide additional internal space for electronic components for the efficient operation of the signs.

17. The requested variance for the projection of the Wall Signs would reduce the necessity for additional freestanding business signs on the Subject Property, thereby improving the visual character and reducing visual clutter along the streets adjoining the Subject Property. In addition, the requested variance would permit development with a more consistent and compatible overall signage program for the Subject Property.

18. The Real Estate Signs and Wall Signs would be located on the western portion of the Subject Property away from the Exit 44 interchange, so as to not detract from the visibility or effectiveness of the traffic signs or signals at the interchange.

19. No one appeared at the hearing to oppose the application.

20. Notice of the hearing was duly advertised in the Carlisle Sentinel, a newspaper of general circulation, on September 7, 2016 and September 14, 2016.

21. Notice of the hearing was posted on the Subject Property on September 7, 2016.

22. Notice of the hearing was mailed to the surrounding property owners on September 7, 2016.

CONCLUSIONS OF LAW

1. Sections 10910.2 of the Municipalities Planning Code (the "MPC"), 53 P.S. §10910.2, requires the Zoning Hearing Board to hear requests for variances. Section 910.2 further provides that in granting a variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the MPC and zoning ordinance.

2. Section 910.2 of the MPC further sets for the five (5) criteria, which must be satisfied in order to obtain a variance.

3. Section 205-27.C(2) of the Dickinson Township Zoning Ordinance (the “Zoning Ordinance”) provides, in pertinent part, that signs advertising the sale or development of the premises upon which they are erected, when erected in connection with the development of the premises by a builder, contractor, developer or other person interested in such sale or development, may be erected and maintained, provided that the size of any such sign is not in excess of 20 square feet.

4. Section 205-27.C(11) of the Zoning Ordinance provides, the following with regard to signs as an accessory to a conditional use or special exception: (a) No sign shall have a gross surface area of more than 100 square feet; except that where only one surface of such sign is visible, the gross surface area shall be reduced by 50%; and (b) Signs shall be parallel to the face of the building and shall not project more than six inches beyond the face of the building; provided, however, that whenever a building is located more than 35 feet back from the right-of-way, one freestanding sign shall also be permitted. Such free standing sign shall not be located closer than 10 feet to any building.

5. The sign provisions of the Zoning Ordinance do not account for the type of roadway on which a building fronts. For sign purposes, frontage onto a local street is treated the same as frontage on a high-speed divided highway.

6. The Subject Property is unique and irregular in that it has three frontages on Interstate 81, Allen Road and Ritner Highway and is located in three municipalities, as well as the

elevation and topography of the Subject Property, its proximity to the Interstate southbound entrance ramp and the speed of vehicles on Interstate 81.

7. Because of the hardships, there is no possibility that the Real Estate Signs and Wall Signs can comply with the Zoning Ordinance and enable the reasonable use of those signs.

8. The Applicant has not created a hardship.

9. The requested variances would not alter the essential character of the neighborhood or the zoning district, or substantially or permanently impair the appropriate use or development of adjacent properties, or be detrimental to the public welfare.


10. The variances would represent the minimum variance to afford relief.

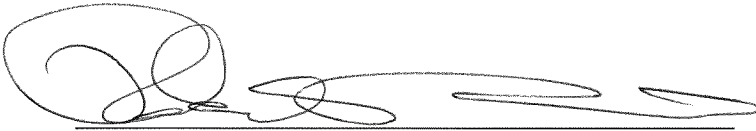
DECISION

In view of the foregoing and having carefully considered the testimony and exhibits submitted to the Board, the Applicant's request for variances from Sections 205-27.C(2) and 205-27.C(11) of the Dickinson Township Zoning Ordinance are granted in strict accordance with the testimony and exhibits, subject to the following conditions:

1. At such point in time that Building 1 and Building 2 on the Subject Property are fully leased, the Real Estates signs shall be removed within ninety (90) days thereof.
2. The variances from Sections 205-27.C(2) and 205-27.C(11) of the Dickinson Township Zoning Ordinance shall not run with the land and are not transferable to a subsequent owner of the Subject Property or any part thereof.
3. The Applicant shall obtain building and zoning permits for the Real Estate Signs and Wall Signs prior to installation.

VOTE

Yes 
Gerald Eby, Chairman

Yes 
Robert Robinson, Member

YES 
Ellen Colyer, Member

ANY PERSON AGGRIEVED BY THIS DECISION OF THE DICKINSON TOWNSHIP ZONING HEARING BOARD MAY APPEAL TO THE COURT OF COMMON PLEAS OF CUMBERLAND COUNTY. THE APPEAL MUST BE FILED WITHIN 30 DAYS OF THE MAILING DATE OF THIS DECISION.

MAILING DATE: October 6, 2016