

MONROE COUNTY PLANNING COMMISSION

TO: Pocono Township Commissioners

FROM: Christine Meinhart-Fritz, Director
Eric Koopman, Lead Senior Planner

DATE: December 5, 2016

SUBJECT: Resort Re-use Overlay District
Pocono Township
MCPC Review #182-16

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This office has received draft amendments for a proposed overlay district to encourage redevelopment of non-operational resort uses. The amendments would permit Treatment Centers and Life Care Facilities in all districts that meet certain criteria. Specifically, these land uses would be permitted if the lot size is a minimum of 50 acres and it contains a resort of lodge which has been closed for at least 5 years. While the following comments are offered, they should not be considered as a formal review as required for zoning amendments under the Pennsylvania Municipalities Planning Code.

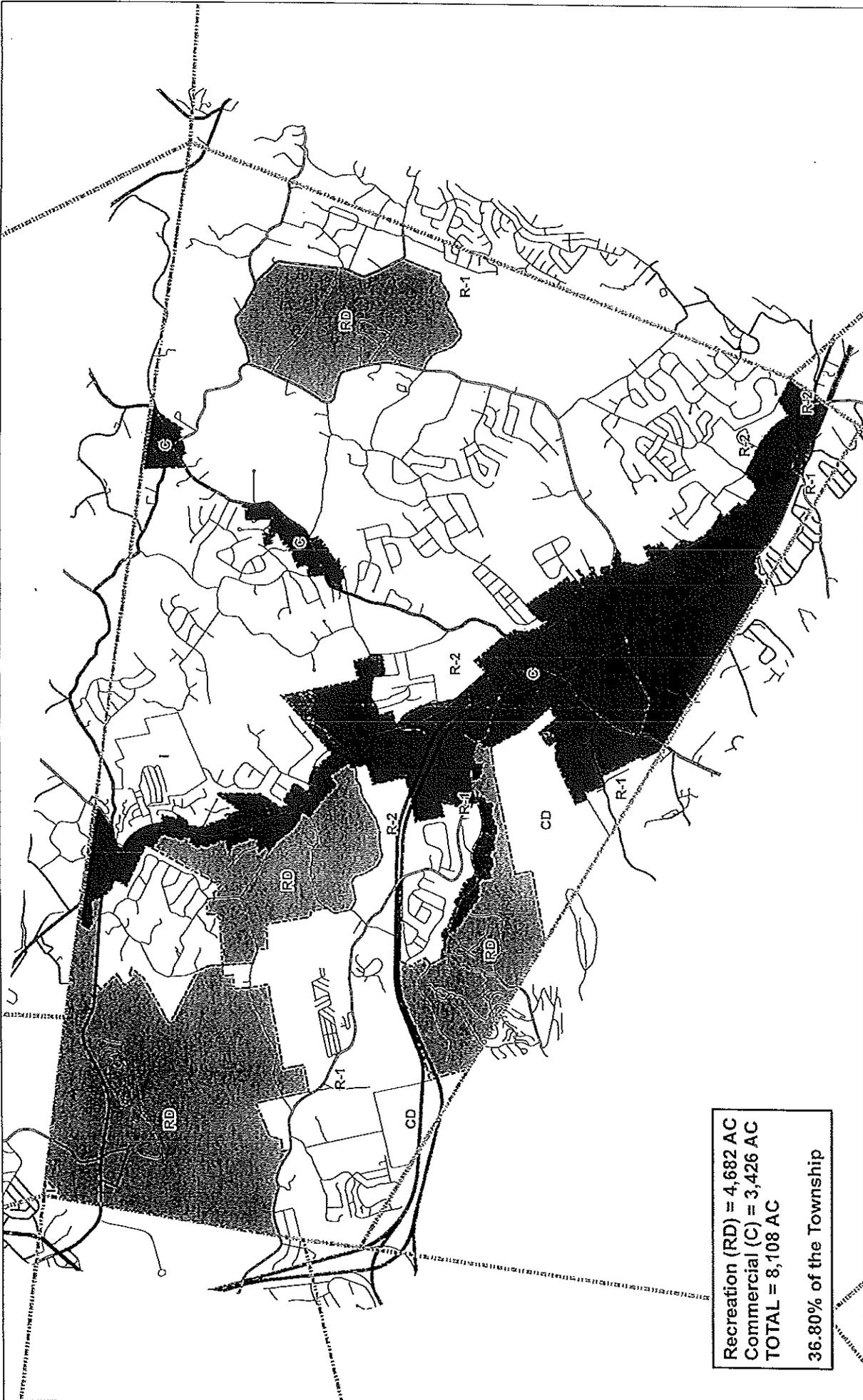
- Typically, overlay zones concern special situations that are not appropriate to a specific zoning district. It should be noted that Treatment Centers and Life Care Facilities are currently permitted within the Township. (Treatment Centers are permitted in the Commercial zone.) As such, the Township is not required to further accommodate these land uses. Also, property owners utilizing overlay district regulations generally have additional standards not typical of those required through the zoning ordinance. Aesthetic controls are one example. The proposed amendments do not appear to include additional standards beyond an increase in minimum lot size. A sample definition for Overlay Districts from *The Latest Illustrated Book of Development Definitions (Moskowitz & Lindbloom, 2004)* is as follows:

“Overlay Zone – A zoning district that encompasses one or more underlying zones and that imposes additional requirements beyond those required for the underlying zone.”

- The Township should be made aware that while the stated intention of a proposed project may be consistent with proper planning principles, it need only follow the text of the most current zoning ordinance. The Township should carefully consider if the proposed amendments are detailed and thorough enough to mitigate potential negative impacts.
- While minimum lot size is addressed by the proposed amendments, there are other concerns regarding the land uses in question. Security issues, fencing, buffer yards, required open space, visitor parking, signage, hours of operation, aesthetics, etc. are not addressed by the proposed amendments.

- As it is written, treatment centers would only be required to be located the minimum setback required by base zoning. Given the close proximity to existing residences, it is strongly suggested that an additional buffers and building setbacks be required for any treatment center in the proposed location. The attached maps are printed to scale and better illustrate this concept. (Side yard setbacks in the R-D district are 25 feet)
- It is unclear what state and federal regulations would be applicable to the proposed land uses, and the Township is encouraged to investigate this matter to ensure that potentially adverse impacts are properly mitigated.
- It should be noted that the amendments would be applicable to only two properties (the former Brookdale Resort and the former Summit Resort.) As such, the amendments possess some characteristics of spot zoning which is generally discouraged.

Altering a zoning ordinance has direct implications for development to affect community character for years to come, and such a change should not be undertaken lightly. As they are presented now, the amendments appear inadequate for adoption.



Recreation (RD) = 4,682 AC
Commercial (C) = 3,426 AC
TOTAL = 8,108 AC
36.80% of the Township



DYSON RD - 1576

SILVERLEAF RESORTS INC

SILVERLEAF RESORTS INC

BACK MOUNTAIN RD - 1545

RD

BROOKDALE RD - 1577

SOMOGM

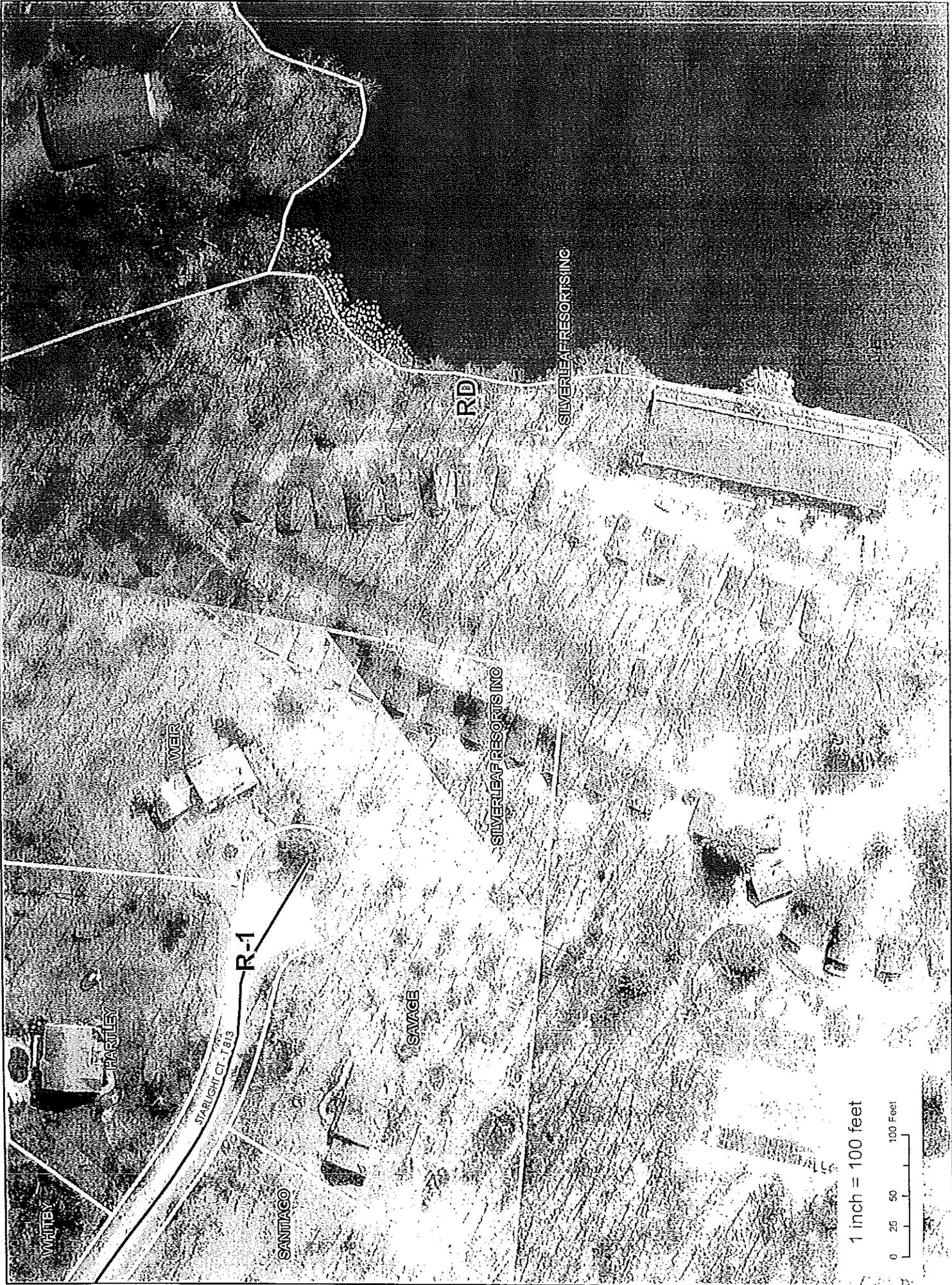
SILVERLEAF RESORTS INC

BARONE

LARSON

1 inch = 100 feet

0 25 50 100 Feet



WHITEY

HARTLEY

STARBUCK CT. 1818

R-1

SANTAGO

SAVAGE

RD

SILVERLEAF RESORTS INC

SILVERLEAF RESORTS INC

1 inch = 100 feet

0 25 50 100 Feet

Underlying Zoning Regulations (R-D zone)

f. Sign plazas (see Article VII).

C. Lot, Yard, and Height Requirements

1. Lot Requirements

- a. Minimum Lot Area - Two (2) acres.
- b. Minimum Lot Width - Two Hundred (200) feet.
- c. Maximum Impervious Coverage - Twenty percent (20%) for residential uses; eighty percent (80%) for other uses.

2. Yard Requirements

- a. Front Yard Depth - Fifty (50) feet.
- b. Side Yard Width - Twenty-five (25) feet, except when adjacent to the R-1 and R-2 Residential Districts or any existing residential dwelling, a minimum side yard of forty (40) feet is required.
- c. Rear Yard Depth - Forty (40) feet.
- d. Well - Fifteen (15) feet.
- e. Septic - Ten (10) feet.

3. Building Height

- a. Principal Building - Fifty (50) feet.
- b. Accessory Building - Equal in height to principal building but in no event higher than Fifty (50) feet.

D. Parking and Loading Requirements

Off-street parking and loading requirements shall be provided in accordance with Section 512 of this Ordinance.

E. Signs

All proposed signs shall conform to the requirements of Article VII of this Ordinance.

Supplementary Regulations

3. The maximum number of residents shall be indicated at the time of application, and that number, not including employees, shall not exceed any applicable minimum space requirements;

4. The applicant shall provide sufficient evidence to the Zoning Hearing Board that the security measures to be provided will provide adequate protection to the residents of the facility.

C. Treatment Center:

1. The applicant shall indicate the nature of the residents to be served and the type of treatment/care to be provided, including whether or not any counseling or other services will be provided for nonresidents;

2. The applicant shall provide evidence that the Treatment Center is sponsored and operated by an agency licensed, registered or certified by an applicable County, State, or Federal program. The operators of the facility shall notify the Township in writing within 14 days if there is a change in the type of residents, the sponsoring agency, or maximum number of residents or if the license/registration/certification expires, is suspended or withdrawn;

3. If the facility is a temporary residence for the clients, the maximum number of clients shall be indicated at the time application, and that number, not including employees, shall not exceed any applicable minimum space requirements;

4. The facility shall have 24-hour on-site supervision by professionals trained to supervise the types of clients to be served by the facility;

5. If a facility will house persons presenting a potential physical threat to the safety of nonresidents, the facility operator shall provide evidence that sufficient staffing and other security measures will be provided;

6. The facility shall be located a minimum of 1,000 linear feet from any other such existing/approved facility.