

## NOTICE OF ISSUANCE OF PRELIMINARY OPINION

Pursuant to Section 916.2 of the Pennsylvania Municipalities Planning Code (the "**MPC**") [53 P.S. & 10916.2], notice is hereby given that on November 28, 2007, the Zoning Officer of South Middleton Township, Cumberland County issued a Preliminary Opinion in response to Trammel Crow Development and Investment, Inc.'s November 8, 2007 Preliminary Opinion request on: (i) whether the proposed Office and Driveway uses located in South Middleton Township portion of the Sparks Farm are "accessory" to the Warehouse use in Dickinson Township under the South Middleton Township Zoning Ordinance; and (ii) if the Office and Driveway uses are "accessory uses", whether the Office and Driveway uses are permitted by-right under Section 1303.(1).(u) of the applicable I-3 Zoning District use regulations, thereby not requiring conditional use approval.

The portions of the Sparks Farms to be developed are located along Ames Drive in South Middleton Township and consist of approximately 110 acres, further indexed as Tax Map Parcel Nos. 08-09-0527-010, 08-09-0527-011, 40-09-0527-062, 40-09-0527-010B and 40-09-0527-010C.

Based upon a review of the Sketch Plan submitted by Trammell Crow Development and Investment, Inc. ("**Trammell Crow**"), the South Middleton Township Zoning Officer rendered a Preliminary Opinion pursuant to Section 916.2 of the MPC dated November 28, 2007 ("**Preliminary Opinion**") finding that the Office and Driveway uses located in the South Middleton Township portion of the Sparks Farm as depicted on the Sketch Plan are each an "accessory use" as such term is defined under the South Middleton Township Zoning Ordinance in that the Office and Driveway uses are uses which are located on the same lot as and are customarily incidental to the principal Warehouse use located in Dickinson township. Furthermore, the Office and Driveway uses must be "accessory uses" permitted by right under Section 1303. (1). (u) of the South Middleton Township Zoning Ordinance since there is no principal use proposed to occur within the South Middleton Township portion of the Sparks Farm that would require conditional use approval. Thirdly, an office use is permitted by right in the Industrial-Transportation Zoning District under the definition of Business, Personal & Repair Services.

The Preliminary Opinion and the Preliminary Opinion request submitted by Trammell Crow, including the Sketch Plan, is available for public inspection during normal business hours (M-F, 7:30 a.m. – 4:00 p.m.) at the South Middleton Township Building, 520 Park Drive, Boiling Springs, Pennsylvania 17007 (phone: 717 258-5324).

As a result of the issuance of the Preliminary Opinion, any party wanting to file a proceeding with the Township Zoning Hearing Board challenging the Preliminary Opinion must file such proceeding within thirty (30) days from the second date on which this notice has been published. Township Zoning Hearing Board applications are available to the public and must be filed during normal business hours (M-F, 7:30 a.m. – 4:00 p.m.) at the South Middleton Township Building, 520 Park Drive, Boiling Springs, Pennsylvania 17007 (phone: 717 258-5324).

Timothy D. Duerr, AICP  
Zoning Officer  
South Middleton Township