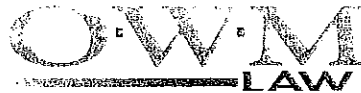


John A. Koury, Jr.
Richard D. Linderman
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David A. Megay
Gary L. Stein¹
Ryan A. Costello
Kathleen M. Martin, CELA²
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National Elder Law Foundation as authorized
by the Pennsylvania Supreme Court
³LL.M. in Taxation
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Wm. A. O'Donnell, Jr. (1914-1971)
Emidio J. Mattei (1924-1981)
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POTTSTOWN OFFICE

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PLEASE REPLY TO POTTSTOWN OFFICE

April 28, 2011

HAND DELIVERED

Mary E. Flagg, Township Manager
East Vincent Township
262 Ridge Road
Spring City, PA 19475

RE: REQUEST FOR ZONING MAP AND ZONING TEXT AMENDMENT
APPLICATION OF PENNHURST ACQUISITIONS, LP

Dear Ms. Flagg:

As you are aware, our firm represents Pennhurst Acquisitions, L.P. ("Pennhurst") with regard to its proposed development and use entitlements on UPI No. 21-1-92.7 (the "Property"); as well as the other parcels that Pennhurst owns which adjoin the Property. Enclosed please find a Petition for an Amendment to the Zoning Map and Zoning Ordinance of East Vincent Township.

The proposed Map Amendment, amends the zoning map of East Vincent Township (the "Township") to rezone the Property from its current LR Zoning District designation to the GI- General Industrial Zoning District designation. Due to the Property's location, condition of existing structures and buildings formerly used as an institutional use and environmental conditions, the Property is not conducive for development with Single Family Residential uses and would be more appropriately utilized to be redeveloped for the uses permitted in the General Industrial and the Professional Office/Research District. It is believed that rezoning the Property to GI would be consistent with the zoning ordinance's objectives and to ensure a sound economic base for the Township.

Pennhurst further proposes that the Zoning Ordinance of East Vincent Township be amended to allow for additional permitted uses within the GI- General Industrial Zoning District.

Also enclosed are the following:

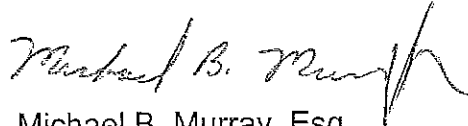
- 1) Proposed Ordinance to enact the proposed Zoning Map and Zoning Text Amendment:
- 2) Seven (7) Copies of a Parcel Map indicating the Boundaries of the Property to be rezoned.

Checks in the amount of \$1000.00 and \$2,000.00 which respectively represent the Application fee for the Petition and the Escrow for Township Consult Reviews have been provided to you under separate cover.

I am kindly requesting that the Petition be placed on the Board of Supervisors Agenda for May 4, 2011, so that it may be forwarded to the Township Planning Commission for their review at their next regularly scheduled meeting, as well as to the County Planning Commission.

If you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,



Michael B. Murray, Esq.
For **O'DONNELL, WEISS & MATTEI, P.C.**

MBM
Enclosures

**BEFORE THE BOARD OF SUPERVISORS
OF EAST VINCENT TOWNSHIP**

**PETITION FOR AN AMENDMENT TO THE
ZONING MAP AND ZONING ORDINANCE
OF EAST VINCENT TOWNSHIP**

1. The Petitioner is Pennhurst Acquisitions, L.P. ("Pennhurst"), having a business address of 7 South Morton Avenue, Morton, PA 19070.

2. Pennhurst is the legal owner of approximately 87.82 acres located in East Vincent Township further identified as UPI # 21-1-92.7, hereinafter referred to as (the "Property").

3. The Property is currently zoned LR - Low Density Residential District and is also located within the East Vincent Township's Historic Resource Overlay District.

4. Petitioner proposes that the Board of Supervisors of East Vincent Township, Chester County, Pennsylvania (the "Board") amend the zoning map of East Vincent Township to rezone the Property from its current LR Zoning District designation to the GI- General Industrial Zoning District designation.

5. Petitioner further proposes that the Board amend the zoning ordinance of East Vincent Township to allow for additional permitted uses within the GI- General Industrial Zoning District.

6. The Property is located in the Northeast quadrant of East Vincent Township and is bordered to the West by the Schuylkill River and bordered to the North and East by the Former Schuylkill Secondary Branch of Conrail and to the South by Brown Drive and Dunlap Road. The Property is also bisected by Commonwealth Drive.

7. The Property is located in a public sewer service area of East Vincent Township's Act 537 Plan ("537 Plan").

8. The Property is located in the service area of Pennsylvania American Water Company for public water service to the Subject Tract.

9. In support of this Petition, Petitioners provide the following:

**BEFORE THE BOARD OF SUPERVISORS
OF EAST VINCENT TOWNSHIP**

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9. In support of this Petition, Petitioners provide the following:

A. Petitioners are represented by Michael B. Murray, Jr., O'Donnell, Weiss & Mattei, P.C., 347 Bridge Street, Suite 200 Phoenixville, PA 19460 as land use counsel.

B. David B. Farrington. P.G., Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382

11. Other items submitted with this petition:

A. A Plan, attached hereto and made a part hereof, showing the extent of the area to be rezoned, streets bounding and intersecting the area.

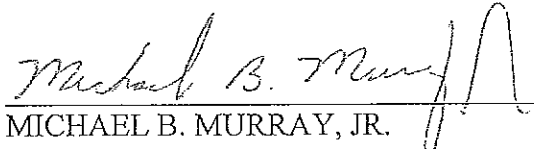
B. Proposed language Amending Part 13 of the East Vincent Township Zoning Ordinance allowing for additional permitted uses within the GI-General Industrial Zoning District.

WHEREFORE, Petitioner respectfully requests that the Board of Supervisors of East Vincent Township grant the relief requested by Petitioners.

Respectfully submitted,

O'DONNELL, WEISS & MATTEI, P.C.

BY:


MICHAEL B. MURRAY, JR.
Attorney for Petitioner

EAST VINCENT TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWNSHIP OF EAST VINCENT, COUNTY OF CHESTER, COMMONWEALTH OF PENNSYLVANIA, AMENDING THE ZONING ORDINANCE OF EAST VINCENT TOWNSHIP, AS AMENDED, (THE "ZONING ORDINANCE") BY ADDING TO THE GI ZONING DISTRICT NEW USES PERMITTED BY RIGHT WITHIN THE GI ZONING DISTRICT AND AMENDING THE ZONING MAP OF EAST VINCENT TOWNSHIP BY REZONING UPI NO. 21-1-92.7 FROM LR (LOW DENSITY RESIDENTIAL) TO GI (GENERAL INDUSTRIAL

The Board of Supervisors of East Vincent Township, Chester County, does hereby enact and ordain that Chapter 27 of the Township of East Vincent Code of Ordinances, the East Vincent Township Zoning Ordinance of 2002, as amended (the "Zoning Ordinance") is hereby amended as follows:

Section 1: Part 13 of the Zoning Ordinance is amended by amending Section 27-1302 to read in its entirety as follows:

§27-1302. Use Regulations.

1. *Uses by Right.* Within the GI - General Industrial District, a building may be erected, altered or used; and a lot or premises may be used for any one or combination of the following purposes as a use by right:

- A. Auction house.
- B. Day care center.
- C. Park and ride facility.
- D. Public utility.
- E. Sales and service of new and used automobiles; automobile repair shops; auto body shops; provided that all repair, servicing and other similar functions shall be completely enclosed within a building.
- F. Vehicular auction.
- G. Veterinary hospital or animal hospital.
- H. Cemetery.
- I. Mass transit station.
- J. Newspaper publishing establishment.
- K. Wholesale business.
- L. Truck terminal.
- M. Contractor's office and yard.
- N. Farm and garden machinery and equipment sales and service.
- O. Garden center and landscape nursery.
- P. Lumberyard.
- Q. Manufacturing facilities, which involve the processing, assembly, packaging or distribution of goods and materials.
- R. Printing establishment.
- S. Agriculture, in accordance with §27-1609 of this Chapter.
- T. Forestry, where conducted in compliance with the provisions of §22-429.2 of the East Vincent Subdivision and Land Development Ordinance [Chapter 22].
- U. Any combination of uses permitted within the PO Zoning District including uses permitted by Conditional Use and Special Exception within the PO District.
- V. Composting.

W. Outdoor entertainment, amusement, recreation and theater.

X. Recreation Building, including but not limited to use for entertainment, historical, and amusement-oriented tours and events, such as, but not limited to, a haunted house and other theme-oriented uses, including any associated accessory uses.

Y. Age Restricted Community which may be, but is not required to be, a Continuing Care Retirement Community (CCRC) where Assisted Living and/or Nursing Home facilities are provided.

2. *Prohibited Uses.* The following uses are hereby prohibited:

A. Any use which may be noxious or offensive as per §27-1716 or by reason of the emission of odor, dust, fumes, smoke, gas, vibration, noise, air pollution, fire and explosive hazards, glare and heat, liquid and solid waste, vibration, radioactivity, or electromagnetic interference, so as to constitute a nuisance.

3. *Uses by Special Exception.* The following uses shall be permitted when authorized as a special exception by the Zoning Hearing Board in accordance with Part 20:

A. A junkyard, subject also to the provisions of §27-1611 of this Chapter.

B. Outdoor advertising billboards, subject to the provisions of §27-1717 of this Chapter.

C. Telecommunication facilities as provided in §27-1606.B(2) and subject to full compliance with the provisions of §27-1606.

4. *Conditional Uses.* The following uses shall be permitted as conditional use when authorized by the Board of Supervisors, subject to the standards set forth herein and in Part 19 of this Chapter:

A. Trash transfer station, incinerator, crematory, and other solid waste disposal facilities.

B. Sanitary landfill.

C. Resource extraction uses.

D. Feedlots.

E. Planned commercial development including outlet center, involving more than one principal use on a single lot or tract, including any use otherwise permitted by right, special exception, and/or conditional use in the GC or GI Districts, subject to the provisions set forth in §§27-1103.2 and 27-1104.2. Any use permitted by special exception may be permitted as a condition of conditional use approval of the planned commercial development without requiring separate application for special exception.

F. Subject to conditional use approval, a building may be erected or used and a lot or premises may be used or occupied for any lawful purpose in addition to those uses listed in §§27-1302.1, 27-1302.3 and 27-1302.4 herein, except for any use prohibited in accordance with §27-1302.2. Notwithstanding the foregoing, no building shall be erected or used in whole or in part for dwelling purposes, except for dwelling quarters in connection with any manufacturing or industrial establishment for watchmen and caretakers employed upon the premises.

5. *Accessory Uses.* The following accessory uses shall be permitted, where in compliance with all applicable provisions of Part 16 and provided that they shall be incidental to any of the foregoing uses, and further provided that any onsite retail sales involved with any accessory uses shall be permitted only when authorized as a special exception:

- A. Restaurant or cafeteria facilities for employees.
 - B. Storage within a completely enclosed building or as otherwise regulated by §27-1603.
 - C. Living accommodations for a watchman or similar employee.
 - D. Day care facility.
 - E. Any other customary accessory uses that are clearly incidental to the principal building, structure or use.
- (Ord. 162, 6/12/2002, §1301; as amended by Ord. 166, 10/16/2002)

SECTION 2. AMENDMENT TO THE ZONING MAP Pursuant to Section 27-302 of the Zoning Ordinance "the Zoning Map of East Vincent Township" is amended by rezoning UPI 21-1-92.7 from LR- Low Density Residential to GI- General Industrial.

SECTION 3. SEVERABILITY.

The provisions of this Ordinance are severable. If any section, paragraph, subsection, clause or provision herein shall be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not invalidate or impair the remaining provisions of this Ordinance.

SECTION 4. EFFECTIVE DATE

THIS ORDINANCE SHALL TAKE EFFECT FIVE DAYS AFTER ENACTMENT.

ENACTED AND ORDAINED this _____ day of _____, 2011.

BOARD OF SUPERVISORS
EAST VINCENT TOWNSHIP

Chairman

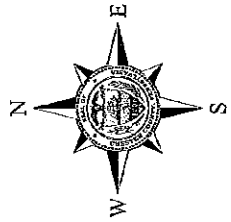
Vice-Chairman

Member


ATTEST:


Secretary

Parcel 21-1-92.7



Legend

 Parcel 21-1-92.7

 Parcel Boundaries



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