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June 5, 2018

Christopher King, President
William F. Shimko, Solicitor
Jefferson Hills Borough Council
925 Old Clairton Road
Jefferson Hills, PA 15025

Re: Proposed Ordinance Amending the Office Park (O-P) Zoning District

Dear Mr. King and Mr. Shimko:

On behalf of 75 residents of the Borough of Jefferson Hills, I am writing to propose a legislative path forward for the Borough Council to address widespread concerns about the potential development of one or more additional Hospitals throughout the Borough. We appreciate Council's invitation to submit a proposal designed to address these concerns while at the same time meeting the Borough's longstanding objectives. As a matter of fairness, we ask that the Council consider the residents' proposed ordinance (attached as Exhibit 1 hereto) at the earliest opportunity.

Specifically, we request that at either the June 6 or June 11, 2018 meeting, the Borough Council resolve to promptly schedule and advertise a public hearing on the residents' proposal. We hope that a Borough Council member will make a motion to this effect at either of these meetings, that the motion will be seconded, and that the motion to promptly consider the residents' proposal will receive unanimous support by Council. We believe this is a reasonable request to put the residents' proposal on equal footing with legislation currently being considered by Council. Resolving to promptly consider the residents' proposal would commit the Borough Council to no particular rezoning proposal, but it would ensure that the residents' proposal would be given due consideration at public hearings prior to any additional hospital development occurring within the Borough.

Although resolving to promptly consider the residents' proposed ordinance (the "Proposed Ordinance") would not bind Council to actually enact it, we want to briefly outline now why we believe the Proposed Ordinance is in the best interests of this community and is consistent with the Borough's specific and general development objectives. The Proposed Ordinance, if ultimately enacted after public hearings, would split the current Office Park District into two new districts: O-P-1 and O-P-2. The new O-P-1 District would allow Hospitals as Uses by Right. The

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new O-P-2 District would allow the same uses as O-P-1, with the exception of Hospitals and Medical Centers.¹

This Proposed Ordinance achieves the following broad objectives:

- 1) It is consistent with the intent of the current Zoning Ordinance and the Borough's Development Objectives.**

The 2010 Comprehensive Plan described the Borough's development goals to include targeting "new medical-related businesses" (Comp. Plan at 90) and providing "areas for additional medical-related development, especially along Route 51, Elliot Road, High Road, and at the Mon-Fayette Expressway interchange." Comp. Plan at 100. The Proposed Ordinance is entirely consistent with these goals, as it allows for—and, indeed, encourages—medical-related development, such as medical clinics and offices, throughout the Borough, including in all Office Park Districts (both O-P-1 and O-P-2).

In fact, the Proposed Ordinance is more consistent with the Borough's goals than a proposal that allows for additional hospitals as of right. The current Zoning Ordinance provides that the intent of the O-P District is to "encourage development of medical offices, medical clinics and diagnostic centers *ancillary to the Jefferson Hospital.*" Zoning Ordinance, Article 700 (emphasis added). In drafts of proposed revisions to the Zoning Ordinance being considered as part of the Borough's ongoing comprehensive rezoning process, this language is preserved. Specifically, the February 2018 Draft Zoning Ordinance describes the purpose of the Office Park District as follows: "To encourage development of medical offices, medical clinics and diagnostic centers *ancillary to hospital uses.*" See February 2018 Draft, Jefferson Hills Borough Draft Zoning Ordinance, Section 404 (attached as Exhibit 2).

By using and retaining the term "ancillary"—which means "having a subordinate, subsidiary, or secondary nature"—the Office Park District is clearly intended to provide for development of medical facilities *other than additional Hospitals.* The Proposed Ordinance adheres faithfully to the stated intent of the Office Park District by encouraging development of medical offices, medical clinics, and diagnostic centers that complement, rather than expand, the Borough's current hospital infrastructure.

The Proposed Ordinance also helps the Borough achieve its objective to "expand its tax base." See Comp. Plan at 90. Hospitals are often non-profit entities that do not pay real estate taxes. Allowing Hospitals as a Use by Right across all Office Park Districts (and/or as a Conditional Use in other districts) would put a significant financial and operational strain on the Borough's resources without any corresponding revenue benefit. Hospitals also have the potential

¹ Under the Proposed Ordinance, the current O-P District that surrounds Coal Valley Road #2 (east of State Route 51) would be changed from O-P to O-P-1. The remaining parcels in Jefferson Hills that are currently zoned O-P would be changed to O-P-2. This includes the parcels west of State Route 51 between Elliot Road and Practice Tee Drive, as well as parcels east of State Route 51 along Wray Large Road.

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to drive down the value of nearby homes (and resulting tax revenue), particularly where new Hospitals are built close to existing residential neighborhoods. The Proposed Ordinance addresses these concerns by allowing for revenue-generating medical-uses that will not be as burdensome on the Borough's resources or detrimental to residential property values.

2) It is consistent with the wishes of Jefferson Hills residents.

Our clients speak for more than just themselves. According to the 2010 Comprehensive Plan, the semi-rural character of the Borough is one of residents' top reasons for living in Jefferson Hills. Comp. Plan at 83-84. As the Plan states, "[t]he characteristic that most significantly contributes to the semi-rural character of the Borough is its large amounts of open/green space and natural features." *Id.*² Medical-related uses ancillary to Hospitals, such as medical clinics and offices, are significantly less intense than Hospital uses and, therefore, are more compatible with the Borough's desire to maintain its semi-rural character.

On the other hand, there is no study or analysis that suggests that a relatively unfettered proliferation of Hospitals throughout the Borough is in the best interest of the community or in accord with the Borough's development objectives.³ In fact, the 2010 Comprehensive Plan contains a summary of a public meeting at which residents prioritized development objectives for the Borough. At that meeting, zero residents indicated development of new hospitals as a priority. The number one priority was "More area for greenspace west of Route 51" and another high priority was "No commercial development near residential neighborhoods." Allowing Hospitals as a Use by Right in any Office Park District—including on greenspace west of Route 51 and near residential neighborhoods—would jeopardize important Borough priorities without achieving any of the development goals outlined by the Borough.⁴

3) No unanticipated public hearings or delays are necessary.

Lastly, consideration of the Proposed Ordinance can be incorporated seamlessly into the Borough's ongoing comprehensive rezoning process without holding additional hearings or delaying that process. The Proposed Ordinance, if enacted, would require relatively minor changes

² The Plan continues: "Residents place a high value on natural open spaces and the views of surrounding undeveloped areas. The number one answer to the question, "(w)hat would you like most in your residential neighborhood" was "woods/green space." There is a common desire to conserve natural amenities like Peters Creek and other Borough streams and to preserve natural vegetation, hillsides, and scenic views for the enjoyment of future generations." Comp. Plan at 83-84.

³ If Hospitals were to remain a Use by Right in the Office Park District, there could be *at least* three large hospitals in the Borough. That number could increase even higher if Hospitals are allowed in other zoning districts as well.

⁴ Importantly, the 2010 Comprehensive Plan identified and recognized problems associated with Hospitals, particularly increased traffic. *See* Comp. Plan at 61 ("Traffic congestion issues arise in communities if traffic volumes exceed the designed capacity of its roadways. Route 51 is one of the Borough's main arterial roadways and carries large volumes of traffic. The timing of traffic control signals along this roadway constrains the capacity of the roadway especially during peak hours of travel. The intersection of Route 51 and Coal Valley Road experiences large amounts of traffic congestion. This is likely a result of the large amounts of traffic utilizing these roadways, the odd alignment of the intersection, and the presence of the hospital near the intersection.").

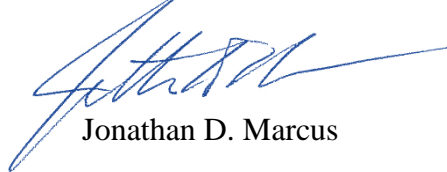
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to the current draft zoning amendments that have been discussed by the Planning Commission and Borough Council.⁵

In order to ensure that the Proposed Ordinance is given due consideration at public hearings prior to the commencement of any additional Hospital development in the borough, we request that the Borough Council resolve at either the June 6 or June 11, 2018 meeting to schedule and advertise a prompt public hearing on this matter. Thank you for your consideration and for responding to the urgent concerns of your constituents.

Sincerely,



Jonathan D. Marcus

⁵ As an example, we have attached the “Table of Principal Land Uses,” adapted from the March 2018 Draft of a revised zoning ordinance, that provides an additional column for the new O-P-2 District and shows the modest changes required to be made to the table of uses. See “Section 501. Table of Authorized Principal Land Uses (March 2018 Draft)”. Attached as Exhibit 3.

EXHIBIT 1

ORDINANCE NO. _____

AN ORDINANCE OF THE BOROUGH OF JEFFERSON HILLS, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 712, AS AMENDED, THE "ZONING ORDINANCE", TO: REVISE THE ZONING ORDINANCE AND ZONING DISTRICT MAP TO SPLIT THE OFFICE PARK (O-P) ZONING DISTRICT INTO TWO DISTRICTS, TO BE KNOWN AS O-P-1 AND O-P-2, RESPECTIVELY, AND TO AMEND THE CLASSIFICATION OF HOSPITALS, HELIPADS, AND MEDICAL CENTERS AS USES WITHIN THE ZONING ORDINANCE.

NOW, THEREFORE, it is hereby ordained and enacted by Borough Council of the Borough of Jefferson Hills, Allegheny County, Pennsylvania as follows:

SECTION 1.

The Borough's Zoning Ordinance and Zoning Map shall be amended as follows:

The Office Park District shall be split into two Office Park Districts: O-P-1 and O-P-2.

The new O-P-1 District shall allow for Hospitals as a Use by Right and Helipads as a Conditional Use.

The new O-P-2 District shall allow for the same uses as the O-P-1 District *except that* Hospitals, Medical Centers, and Helipads shall not be allowed as a use in the O-P-2 district under any classification.

Hospitals and Medical Centers shall not be allowed as a use under any classification in any zoning district within the Borough other than O-P-1.

The current O-P District that surrounds Coal Valley Road #2 (east of State Route 51) shall be changed from O-P to O-P-1.

The remaining parcels in Jefferson Hills that are currently zoned O-P shall be changed to O-P-2. This includes the parcels west of State Route 51 between Elliot Road and Practice Tee Drive, as well as the parcel east of State Route 51 along Wray Large Road.

All references to "Hospitals", "Helipads", and "Medical Centers" in the Zoning Ordinance that are inconsistent with the above amendments shall be stricken.

SECTION 2.

All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

ORDAINED AND ENACTED THIS _____ DAY OF _____, 2018

BOROUGH OF JEFFERSON HILLS

PRESIDENT OF COUNCIL

ATTEST:

BOROUGH CLERK

ORDAINED AND ENACTED THIS _____ DAY OF _____, 2018

MAYOR

EXHIBIT 2

1. I-1 Light Industrial District



It is the purpose of this Zoning District to encourage industrial development that is free from offensive noise, vibration, smoke, odors, glare, hazards of fire or other objectionable effects. Industries which can meet the standards imposed in this District shall be permitted to locate in districts adjacent to commercial and residential adjoining districts, provided that adequate landscaping and screening are provided. Residential uses are not permitted in industrial zone areas. Emphasis will be placed upon meeting the required performance standards.

2. I-2 Heavy Industrial District



It is the purpose of this Zoning District to provide industrial locations for plants which require a large area for their operations along the Monongahela River and which normally create land use conflicts when adjacent to residential and commercial areas.

SECTION 404. BUSINESS AND OFFICE PARKS DISTRICTS

In addition to the general goals listed in the Preamble, the districts established in these regulations are intended to achieve the following:

- a. To provide sufficient space, in appropriate locations, to meet anticipated future needs for mixed use development in planned business parks.
- b. To provide adequate standards to regulate large-scale mixed-use development in the Borough to ensure compatibility, suitability and economic viability of such projects.
- c. To strengthen the local and regional economic base, to conserve the value of land and buildings and to protect adjacent residential properties.

1. B-P Business Park District



It is the purpose of this Zoning District to promote opportunities for integrated development of compatible warehousing, light manufacturing and office uses and related supporting facilities and activities in an appropriate location within the Borough. It is the further purpose of this District to protect adjoining zoning district classifications and to provide minimum standards which will encourage compatible development and minimize impacts on adjacent properties and the regional highway system.

2. O-P Office Park District



It is the propose of this District:

To encourage development of medical offices, medical clinics and diagnostic centers ancillary to hospital uses;

To encourage other business and professional offices and supporting services in a campus style setting with protections for adjoining residentially zoned properties; and

To provide a compatible zoning classification to serve as a transition between residential properties and commercial properties in locations accessible to the regional highway network.

SECTION 405. OTHER DISTRICTS

1. C-D Special Conservation District

In addition to the general goals listed in the Preamble, the districts established in these regulations are intended to achieve the following:

- a. To protect and preserve the special environmental features in the Peters Creek watershed, particularly flood plains and wetlands;
- b. To promote the development of land uses which are complimentary to the natural features of the area and the proposed Montour Trail traversing the watershed; and
- c. To buffer this environmentally sensitive area from more intensive adjacent zoning classifications.

2. MU Mixed Use District

The purpose of this District is to provide a neighborhood centers that provide a mix of higher density residential, office, and small retail uses while recognizing the need for a sense of community within the Borough.

3. Oil and Gas Development Overlay District – Conventional Wells

The areas of the map designated as Oil and Gas Development Overlay District – Conventional Wells (OG-C) provide an opportunity for property owners to use their lands to extract oil and natural gas through operations that involve conventional wells, as defined herein. The intent of the creation of this overlay district is to provide for reasonable locations for the extraction of these natural resources, as required by the Pennsylvania MPC. Areas included within this overlay district have been determined to be consistent with the adopted Borough Comprehensive Plan and include all areas of the Borough except those located within the Special Conservation District.

4. Oil and Gas Development Overlay District – Unconventional Wells

EXHIBIT 3

AUTHORIZED USES

SECTION 501. TABLE OF AUTHORIZED PRINCIPAL LAND USES

For the following identified uses and districts, the table below indicates whether identified principal uses are Permitted by Right (R), Conditional Uses (C) or Special Exceptions (S) in each Zoning District. Only one principal use, as identified in the use chart below, is permitted on lot or parcel.

R = Use by Right
 C = Conditional Use
 S = Special Exception
 -- = Not Permitted
 PRD = Planned Residential Development

	R1 Low Density Residential	R2 Medium Density Residential	R3 High Density Residential	C Commercial	MU Mixed Use Neighborhood	CD Special Conservation	I1 Light Industrial	I2 Heavy Industrial	BP Business Park	OP-1 Office Park	OP-2 Office Park
Residential Uses											
Apartments, 2-story	--	--	R	R	R	--	R	--	R	--	
Apartments, 3-story	--	--	--	R	R	--	R	--	R	--	
Apartments, 4-story	--	--	--	R	--	--	R	--	R	--	
Mobile Homes, within a Mobile Home Park only	--	--	R	--	--	--	--	--	--	--	
Planned Residential Development	PRD	PRD	PRD	--	PRD	--	--	--	--	--	
Single Family Dwelling	R	R	R	--	C	--	--	--	--	--	
Townhouses	--	R	R	--	R	--	--	--	--	--	
Two Family Dwelling / Duplex	--	C	R	--	--	--	--	--	--	--	
Quadruplex	--	R	R	--	--	--	--	--	--	--	
Non-Residential Uses											
Adult Businesses	--	--	--	--	--	--	S	S	--	--	
Agriculture	R	R	--	--	--	--	--	--	--	--	
Animal Rescue	--	--	--	--	--	--	R	--	--	--	
Assisted Living Facility	--	--	C	--	--	--	--	--	--	--	
Automobile Sales	--	--	--	C	--	--	R	R	--	--	
Automobile Sales and Service	--	--	--	C	--	--	R	R	--	--	
Automobile Service/Repair	--	--	--	C	--	--	R	R	--	--	
Automobile Wash	--	--	--	C	--	--	--	--	--	--	

	R1 Low Density Residential	R2 Medium Density Residential	R3 High Density Residential	C Commercial	MU Mixed Use Neighborhood	CD Special Conservation	I1 Light Industrial	I2 Heavy Industrial	BP Business Park	OP-1 Office Park	OP-2 Office Park
Hotel	--	--	--	R	C	--	C	--	C	C	C
House of Worship	C	C	C	R	C	--	--	--	--	--	
Independent living Facility	--	--	C	--	--	--	--	--	--	--	
Junk Yard/Salvage Yard	--	--	--	--	--	--	S	--	--	--	
Kennel	C	C	--	--	--	--	--	--	--	--	
Landscape Contractor	--	--	--	--	--	--	R	R	--	--	
Landscape Nursery	--	--	--	C	--	--	--	--	--	--	
Laundry Facility	--	--	--	--	--	--	R	R	--	--	
Libraries and Museums	--	--	--	R	--	--	--	--	--	--	
Manufacturing Facility, Heavy	--	--	--	--	--	--	--	C	--	--	
Manufacturing Facility, Light	--	--	--	--	--	--	C	C	--	--	
Medical Marijuana Dispensary	--	--	--	C	--	--	--	--	--	--	
Medical Marijuana Grower/Processor	--	--	--	--	--	--	--	C	--	--	
Marina	--	--	--	--	--	--	C	C	--	--	
Marine Repair facility	--	--	--	--	--	--	C	C	--	--	
Medical Clinic	--	--	--	--	--	--	--	--	R	R	R
Methadone Clinic	--	--	--	C	--	--	--	--	--	--	
Motel	--	--	--	C	--	--	--	--	--	--	
Movie Theater	--	--	--	R	C*	--	--	--	--	--	
Natural Gas Compressor Station	--	--	--	--	--	--	--	C	--	--	
Natural Gas Processing Plant	--	--	--	--	--	--	--	C	--	--	
Nursing Home	--	--	C	C	--	--	--	--	--	--	
Office	--	--	--	R	R	--	--	--	R	R	R
Personal Care Boarding Homes	--	--	C	--	C	--	--	--	--	--	
Parking Structure	--	--	--	C	C*	--	C	C	C	C	C
Personal Services	--	--	--	R	--	--	--	--	--	--	
Places of Worship	--	C	C	R	R	R	R	R	R	R	R
Private Club	--	--	--	C	--	--	--	--	--	--	
Public Service Corporation Facilities	S	S	S	--	--	--	--	--	--	--	
Recreation, Indoor, Private	--	--	--	R	C	--	--	--	--	--	
Recreation, Outdoor, Private	--	--	--	C	--	--	C	--	--	--	
Residence In Combination with Business	--	--	--	--	R	--	--	--	--	--	

	R1 Low Density Residential	R2 Medium Density Residential	R3 High Density Residential	C Commercial	MU Mixed Use Neighborhood	CD Special Conservation	I1 Light Industrial	I2 Heavy Industrial	BP Business Park	OP-1 Office Park	OP-2 Office Park
Low-Impact Outdoor Recreation Facility	--	--	--	--	--	C	--	--	--	--	
Recreation, Public	C	C	C	--	--	R	--	--	--	--	
Restaurant	--	--	--	R	C	--	R	--	R	--	
Restaurant, with Drive-Thru Facilities	--	--	--	C	C	--	C	--	--	--	
Retail Sales, Large	--	--	--	R	--	--	R	--	R	--	
Retail Sales, Small	--	--	--	R	R	--	--	--	R	--	
Schools, Public or Private	C	C	C	R	--	--	--	--	--	--	
Schools, Commercial	C	C	C	R	--	--	R	--	--	--	
Self-Storage Facilities	--	--	--	--	--	--	C	C	--	--	
Shopping Centers	--	--	--	C	--	--	--	--	--	--	
Solar Energy Facility	C	--	--	--	--	--	C	C	--	--	
Special Event Venue	C	C	--	--	--	--	--	--	--	--	
Storage Containers	--	--	--	--	--	--	S	S	--	--	
Storage Garages	--	--	--	--	--	--	R	--	--	--	
Storage Trailers	--	--	--	--	--	--	S	S	--	--	
Studio, Art, Music, Photo	--	--	--	R	R	--	--	--	--	--	
Surface Mining	C	--	--	--	--	--	C	--	--	--	
Swimming Pool, Community or Club	--	--	--	R	R	--	--	--	--	--	
Truck Terminal	--	--	--	--	--	--	R	R	--	--	
Uses Not Listed, Comparable	--	--	S	S	S	S	S	S	S	S	S
Uses Not Listed	--	--	--	--	--	--	S	S	S	--	
Veterinary Office	--	--	--	R	R	--	R	--	--	--	
Veterinary Hospital	--	--	--	C	--	--	--	--	--	--	
Warehouse	--	--	--	--	--	--	--	--	C	--	
Wind Energy Facility	--	--	--	--	--	--	--	C	--	--	
* (as part of mixed of a mixed use development)											

