

White and Williams Leads Successful Effort to Thwart Speculative Warehouse Development

2.17.20

White and Williams represented a large full-line foodservice distributor in connection with its effort to prevent the development of a 1.1 million square foot warehouse complex in Swatara Township, Dauphin County, Pennsylvania. The proposed warehouse complex was to be constructed on land located adjacent to the client's business location.

White and Williams represented the client at four zoning hearings that took place over a period of several months, and then submitted proposed Findings of Fact and Conclusions of Law to the fact finder – in this case, the Board of Commissioners of Swatara Township.

As noted in press reports documenting significant public opposition to the warehouse complex at the zoning hearings which took place to receive testimony related to the conditional use application sought by CRG Integrated Real Estate Solutions (CRG), a leading national developer of commercial real estate, including warehouses, based in St. Louis, Missouri:

"[White and Williams] attorney Andrew Ralston said his client...opposes the plan in part because it would make water runoff more of a problem than it already is. He said CRG shouldn't be allowed to build because it has failed to provide enough details in its application."

Ralston further argued that "as a matter of law [the Board of Commissioners] must reject this position because under [its] own zoning ordinance, the concept of a spec warehouse is not a permitted conditional use. 'Spec' is a term for building something without a particular business lined up."

CRG sought permission from the Board of Commissioners to construct the warehouse complex without identifying who the end users of the warehouses would be, what those end users would store in the warehouses, or what precautions those end users would take to ensure that their activities did not harm the surrounding community.

Ralston advanced the position that, pursuant to the applicable language of the Township's zoning ordinance, CRG's application was insufficient as matter of law and must, therefore, be rejected.

In early February 2020, the Board of Commissioners rejected CRG's warehouse development, based upon the arguments made in Proposed Findings of Fact and Conclusions of Law.

Andy Ralston represented White and Williams' client in this matter. Andy handles a wide range of zoning and land use matters for clients – from applications for zoning relief before local municipalities through litigation of zoning cases through Pennsylvania's court system.

