



## UPPER UWCHLAN TOWNSHIP

Planning Commission Meeting

May 10, 2018

Minutes

Approved

### In Attendance:

Bob Schoenberger, Chair, Sally Winterton, Vice-Chair, Brett Hand, Bob Phillips, Joe Stoyack, Jim Dewees, Chad Adams, Dave Leh, P.E. – Gilmore & Associates, Tom Oeste, Esquire – Buckley, Brion, McGuire & Morris, Gwen Jonik, Planning Commission Secretary

Bob Schoenberger called the meeting to order at 7:32 p.m. as a quorum was present.

### 122 Oscar Way / S & T Realty Holdings Final Land Development Plan

Scott Johnson, owner of S&T Realty Holdings, operates his traffic safety equipment business (J Tech) in the Eagle Industrial Park. Mr. Johnson introduced a plan for an 8,845 SF building addition on Oscar Way, for storing raw metal materials that are currently stored outside. There have been thefts of the materials. The building will be constructed over existing pavement. This is for storage only, no office space.

Joe Stoyack moved, seconded by Bob Phillips, to accept the Plan for consultants' review. The Motion carried unanimously.

Bob Schoenberger announced that following the Village at Byers Station Commercial Lot 2, the Vantage Point Retirement Living project would be discussed, a slight diversion from the Agenda.

### Village at Byers Station (Parcel 5C) Commercial Lot 2 Amended Final PRD Plan

Bob Dwyer, Equus, and Alyson Zarro, Esq., attended. Discussion of this project at last month's Planning Commission meeting stalled as research was needed to determine whether or not to follow 1999 or current zoning and subdivision ordinances, especially regarding drive-through service. Mr. Dwyer said they used the 1999 zoning regulations and the current subdivision/land development when planning the residential and commercial lots for Parcel 5C; the PRD (Planned Residential Development) approval dictates the zoning. The drive-through is for a coffee shop; there are no plans for a fast-food restaurant now or in the future.

Tom Oeste, Esquire, the Township's Solicitor, advised that PRD Approvals become the zoning for that particular property, and states the uses and standards allowed.

Discussion and comments included the following points:

1. In the 1999 PRD Decision, there is a paragraph that relates specifically to Parcel 5C;
2. Section 801 of the Use regulations at that time doesn't allow for drive-through, though other Sections prohibit window and curb service, which is different from drive-through. If it isn't prohibited, it's allowed. These terms are not defined in the Ordinances.
3. Parcel 5C Lot 1 (residential) was reviewed using the old zoning and the current subdivision and land development ordinances (SALDO). The current SALDO has better, higher standards.
4. Perhaps the Board of Supervisors could prohibit fast food restaurants in any future approval conditions for this property; the accuracy/legality of this suggestion is questionable.
5. A drive-through may be allowed only on this Parcel because of the PRD; not on any other properties in the Township.

6. Once there's a Final Plan recorded of a PRD, any modification to Use or the Plan requires a new Hearing process, and it would be open to all involved in the PRD (all Byers Station residents and businesses) for ideas.

Don Carlson offered comments regarding the previous zoning ordinance sections that were allowed within the PRD. As mentioned earlier, one prohibited drive-through, one prohibited restaurants, one prohibited outdoor counter or curb service. Mr. Carlson noted he was a Township Supervisor at the time of the Byers Station PRD approval and since the development of Parcels 5C and 6C were to be accomplished separately, he believes they fall under current C-1 Village Section 200-33 (zoning) Use Regulations, which excludes drive through service. They were interested in maintaining a village-type ambiance and didn't favor fast-food restaurants.

Mr. Dwyer advised revised plans have been submitted for the consultants' review and they hope to get the Planning Commission's recommendation for approval at the June meeting.

Chad Adams commented that the consultants and solicitors have offered their opinions on the drive-through and the Planning Commission should base their recommendation to the Board of Supervisors on whether or not they accept these opinions.

Brief discussion followed regarding an opinion on the points Mr. Carlson highlighted from the 2003 Decision & Order for the PRD. Alyson Zarro and Kristin Camp will review the 2003 Decision and provide their thoughts.

#### Vantage Point Retirement Living (Parcel 6C) Amended PRD Plan

Alyson Zarro, Esq., Joe Russella, Guy DiMartino, and several Vantage Point representatives were in attendance. Ms. Zarro reminded the Commission that the Board of Supervisors had added the Senior Living Facility use to the PRD regulations. The Applicant seeks amendment of the Tentative PRD Plan approval, which requires a Hearing, and current Zoning and SALDO will be used. Parcel 6C is 3.8 acres; the proposed Senior Living Facility is a 36,171 SF building that fronts Graphite Mine Road; the side faces Byers Road; the Butler House driveway from Byers Road would be improved, which would also provide a second access to Parcel 6C.

Bob Schoenberger recalled the Butler House Approval included that Parcel gaining access to Graphite Mine Road through Parcel 6C. The existing Butler House driveway right-of-way was to be vacated as it runs through the Township's wastewater disposal field.

Joe Russella and Alyson Zarro presented the Plan, proposing 2 fenced gardens at the rear for Memory Care residents; parking and loading would be in the rear; right-in/right-out on Graphite Mine Road; a walkway along Byers Road and a connection to the trail along the Mews/Graphite Mine Road; 101 units -- 86 assisted living or memory care and 15 will be independent living; residents can move from independent living to the other units as the need arises.

The comments in Gilmore's review letter can be addressed and/or complied; they'll look at the access requirements from previous approvals (Butler House); the front door covered canopy is 14' high, high enough for typical emergency vehicles; the traffic study was conducted while school was in session and since the majority of this Facility's residents won't be driving, traffic impact is low.

Alyson Zarro advised that some of the conditions from the 1999 Decision don't make sense at this time or can't be done, such as an access through Parcel 4 (The Mews). A connection to the trail along the Mews/Graphite Mine Road won't be right along the road due to the embankment and Graphite Mine Road drainage system; it will be positioned near the end of the building's front sidewalk; parking lot lighting cutoff may need to be later than 11:00 PM due to Staff shift change timing. Ms. Zarro advised a Hearing will need to be scheduled as this is an Amended PRD Plan. They'll revise the Plans and seek the Commission's recommendation for a Hearing next month.

### Eagleview Corporate Center Lot 1B – Maintenance Area Preliminary/Final Land Development Plan

Neal Fisher and Mike Malloy of The Hankin Group attended. Mr. Fisher advised that through the consultants' review process it's been agreed that they'll relocate the maintenance area from where they originally proposed. They won't need to remove as many trees at the alternate location, which is right along the parking area, but they'll need 10'-15' riparian buffer relief. There will be screening, it'll reduce the conflict with the trail from Hickory Park, and storm water management measures need minimal increase. The Plan will be modified and resubmitted for the July Commission meeting. The maintenance area will not have a roof. Mulch will be stored; salt will be stored just ahead of winter, not year-round.

### Eagleview Corporate Center Lot 1C Preliminary Land Development Plan

Neal Fisher, The Hankin Group, presented a Preliminary Land Development Plan proposing an 113,000 SF, 1-story flexible-space building on the 22 acre wooded Lot 1C, which also contains the public sewer pump station, discharging to the Eagleview Plant. They can comply with the majority of the consultants' comments and are asking for a waiver from providing sidewalk expansion joints every 30' -- they've had better success with a continuous pour – and a waiver from the quantity of replacement trees to be planted as there isn't enough room.

Discussion included the following:

1. Commission members suggested that instead of waiving the number of replacement trees, enhance the buffer with the residential properties, using rounder/taller trees; keep the buffer area thick, even if it'll need to be thinned in the future.
2. A fee in lieu of tree replacement was mentioned in the review letter. Mr. Fisher will discuss this with Township Staff as they may propose additional landscaping/streetscaping for the Pennsylvania Drive reconstruction project in lieu of the Lot 1C tree replacement.
3. The 393 proposed parking spaces seem excessive, but cover the possible uses in the building. Parking spaces could be reduced, or loading docks could become parking areas, depending on what uses go in the building. They could phase the parking construction and not build along the residential boundaries at the start. Public transportation isn't yet an option for this area – one of the pharmaceutical businesses runs their own bus service.
4. Storm water management concerns will be addressed.
5. The Pondview Way trail connection is favored. The proposed trail might meander south through the 30' buffer with the residential properties and follow the slope to the Sierra Drive pump station.

Mr. Fisher asked the Commission for a recommendation for Preliminary Plan approval and approval of the 2 waivers. He'll revise the Plans and submit them for the Commission's July meeting.

The Planning Commission was agreeable to the sidewalk expansion joint waiver. Further discussion followed regarding the tree replacement waiver request, the buffer with the residential properties, and shielding from the building/parking lighting.

Mr. Fisher advised that the Lot is basically flat along the residential property and the parking lot light standards are compliant with the ordinances. Discussion with Sheila Fleming suggests Hankin use different species than Lot 1B's buffer zone – rounder trees instead of columnar, such as pines/spruces -- and they've suggested replacing some of the trees on Lot 1B's buffer.

There was disagreement regarding the shields used on the parking lot lights, the amount of light glare and/or spillage onto neighboring properties from Lot 1B, and with the Lot 1C Plan being very similar, the problem would increase.

Sally Winterton moved, seconded by Chad Adams, to recommend Preliminary Plan Approval to the Board of Supervisors. Brett Hand asked when the lighting and tree replacement alternatives would be discussed. Bob Schoenberger advised that would take place during the Final Land Development Plan approval discussions.

Chad Adams moved, seconded by Sally Winterton, to recommend Preliminary Plan Approval with the conditions that the lighting and fee in lieu of woodland replacement would be worked out during Final Land Development process. The Motion carried with (5) in favor, (1) abstention (Stoyack) and (1) opposed (Deweese).

Chad Adams also recommended that the HVAC noise and lighting issues from Lot 1B be investigated and worked out before Final Approval for Lot 1C.

Pickering Valley Elementary School / Township Lot Line Adjustment Plan

Dave Leh presented a Plan to adjust the lot line between the Township property and Pickering Valley Elementary School, and also consolidate the 2 parcels that make up the Township Building property. While designing the Eagle Park construction plan it was evident the Township would annex the School property during construction, and the land transfer would also accommodate any future township building expansion. Discussions with the Downingtown Area School District resulted in an Agreement to transfer 0.9 acres along the common property line, from the rear of the Township Building to the School driveway curb line. The DASD Board of Directors approved the Agreement.

Jim Dewees moved, seconded by Joe Stoyack, to recommend Approval of the 0.9 acre land transfer from the School District to the Township. The Motion carried unanimously.

Approval of Minutes

Jim Dewees moved, seconded by Chad Adams, to approve as presented the minutes of the Planning Commission's April 12, 2018 meeting. The Motion carried unanimously.

Open Session

Jim Dewees inquired when Toll would build the bridge across the stream in the Reserve at Chester Springs. Mr. Leh advised the Township will apply for the permit.

Sally Winterton and Bob Schoenberger advised they will not attend the June 14, 2018 Planning Commission meeting.

Adjournment

Joe Stoyack moved, seconded by Jim Dewees, to adjourn at 10:20 PM. All were in favor.

Respectfully submitted,

Gwen A. Jonik  
Planning Commission Secretary