



**UPPER UWCHLAN TOWNSHIP  
PLANNING COMMISSION  
AGENDA  
October 10, 2019**

**LOCATION:** Temporary Township Administration Office  
415 Eagleview Boulevard, Suite 116  
Exton, PA 19341

Packet Page #

**6:00 PM Work Session**

Ordinance review and amendment discussion: Alternative Energy, Lighting

**7:00 PM Meeting**

- I. Call To Order
- II. Windsor Baptist Church Land Development Plan  
Review and discuss the Consultants' comments of the Plan proposing  
Construction of a 9,190 SF building addition to house the existing  
Windsor Academy's classrooms. 2
- III. Starbucks – Eaglepointe Shopping Center Final Land Development Plan  
Introduction of a Plan proposing renovation of the former Key Bank  
drive-through in Eaglepointe Shopping Center for a Starbucks Coffee Shop.  
Accept the Plan for Consultants' review. 29
- IV. DSM Biomedical – Eagleview Corporate Center Lot 2 --  
Preliminary / Final Land Development Plan  
Introduction of a Plan proposing the addition of a pre-manufactured  
building, curb ramp, sidewalk, storm water management. Accept  
the Plan for Consultants' review. 43
- V. Approval of Minutes: September 12, 2019 Work Session, Meeting 47
- VI. Open Session
- VII. Next Meeting Date: November 14, 2019  
Location: 415 Eagleview Boulevard, Suite 116, Exton, PA 19341
- VIII. Adjournment



July 3, 2019

File No. 18-11016T

Cary B. Vargo  
Upper Uwchlan Township  
140 Pottstown Pike  
Chester Springs, PA 19425

Attention: Cary B. Vargo, Township Manager

Reference: Windsor Baptist Church – Proposed School Building  
Preliminary Land Development / Conditional Use Review  
Upper Uwchlan Township, Chester County, PA

Dear Cary:

Gilmore & Associates, Inc. (G&A) is in receipt of the following information submitted on behalf of Windsor Baptist Church, the Applicant/Developer:

- Response letter from Thom Ludgate, P.E., P.L.S. dated May 14, 2019.
- Response memo from Julie Parish, dated May 17, 2019.
- Enrollment and Staffing letter from Windsor Baptist Church dated May 28, 2019.
- Waiver Request Letter dated May 22, 2019.
- Conditional Use Application dated May 9, 2019.
- Land Development Plan Set titled “Windsor Baptist Church” consisting of twenty-two (22) sheets, prepared by Ludgate Engineering Corporation, dated January 22, 2019, last revised April 18, 2019.
- Stormwater Management Report consisting of forty-seven (47) pages, prepared by Ludgate Engineering Corporation, dated February 28, 2019, last revised May 17, 2019.

G&A has completed our second review of the above referenced Preliminary Land Development for compliance with the applicable sections of the Township's Zoning Ordinance, Subdivision and Land Development Ordinance, and Stormwater Management Ordinance, and wish to submit the following comments for your consideration.

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184 West Main Street | Suite 300 | Trappe, PA 19426 | Phone: 610-489-4949 | Fax: 610-489-8447

Please note that comments with a **(SE)** or **(CU)**, **(RW)**, or **(W)** may require relief from the Township Ordinances. A **(SE)** denotes a special exception is required, and a **(CU)** denotes that a conditional use is required, a **(RW)** denotes a requested waiver, and a **(W)** denotes a waiver that has not been requested. Comments in *italics* are from our previous review letter, and comments in **bold text** require resolution by the applicant. Previous comments which have been satisfactorily addressed are not repeated herein.

## I. OVERVIEW

The subject site is comprised of three (3) parcels (TMP 32-3-65.31, 32-3-65.29, and 32-3-66) located at the intersection of Little Conestoga Road and Park Road. The property is located in the C-1 Village Commercial District with a section of TMP 32-3-66 located in the R-2 Residential District with F1 Flexible Development Overlay.

The Applicant is proposing to construct an approximately 9,190 square foot (footprint) Building Addition connected to the existing church and two playgrounds measuring approximately 3,872 square feet and 3,844 square feet respectively. The Applicant is also proposing to remove two existing modular buildings on site and replace with a future, stone, overflow parking area, and relocate the cemetery access drive. There are no existing wetlands on the site, and the site is not located within a FEMA designated Flood Hazard Area.

Stormwater runoff is proposed to be managed by an underground infiltration bed (BMP #1A) located northwest of the proposed building addition.

## II. CONDITIONAL USE APPLICATION REVIEW

1. §200-117 – The Applicant has indicated in a memo that they are requesting a waiver from the required impact studies associated with the Conditional Use Application.

## III. ZONING ORDINANCE REVIEW

1. **(CU)** §200-33.B.(1) – *In the C-1 Village District, a building may be erected, altered or used, and a lot may be used or occupied, for Educational or religious principal purposes when authorized as a conditional use by the Board of Supervisors. Therefore, a Conditional Use Application must be submitted.*

The Applicant has submitted a Conditional Use Application. The hearing has been scheduled for Tuesday, August 13<sup>th</sup>.

2. **(CU)** §200-34.H. – *In the C-1 Village District, no individual building shall contain more than 6,000 square feet of total floor area, except where increased square footage above 6,000 is entirely within an additional story or stories above the first floor or*

*where increased square footage above 6,000, and not limited to a 50% increase, is approved subject to conditional use approval and in accordance with all applicable design standards herein. The existing building is approximately 11,645 square feet, and the proposed building addition constitutes an approximately 9,190 square foot “footprint” increase (The increase will actually be greater due to multiple floors), of which, approximately 2,850 square feet of the footprint is within the C-1 Village Commercial District. The Applicant should discuss this with the Township Zoning Officer, but we believe a Conditional Use may be needed.*

The Applicant has submitted a Conditional Use Application. The hearing has been scheduled for Tuesday, August 13<sup>th</sup>.

3. *§200-36.C.(4) – Parking areas within the C-1 Village District shall be designed and landscaped so as to appear broken in mass, in proportion to the scale of structural development. If the proposed overflow parking is constructed, it shall be in conformance with this section. This section also states that to the extent practicable, should be avoided in the front yard. The Planning Commission and Board of Supervisors should determine if front yard parking shall be permitted.*

**The future overflow parking area is still shown located within the 20-foot front yard setback. Whether overflow parking or not, any proposed parking must conform to the design and landscape requirements of this section.**

4. (SE) *§200-103.A.(1) – The existing church building is an existing nonconforming structure due to the floor area exceeding 6,000 square feet. Nonconforming structures may be altered, renovated, or enlarged provided that such alteration, renovation or enlargement does not increase the floor area of the nonconforming structure by more than 25% of the floor area of the structure as it existed on the date when the structure became nonconforming. Such alteration, renovation or enlargement shall be authorized as a special exception by the Zoning Hearing Board and shall not increase any existing nonconforming and shall comply with all area and bulk regulations. In the case of a nonconforming structure which is occupied by a nonconforming use, such alteration, renovation or enlargement shall also meet the requirements of §200-102A of this article. In the case of a nonconforming structure which is located on a nonconforming lot, such alteration, renovation or enlargement shall also meet the requirements of §200-102C of this article. It is noted that the proposed enlargement is greater than 25% of the floor area of the existing structure. The Applicant shall list the total area of all the floors existing and proposed on the plans.*

**The Applicant has indicated they feel they are compliant. We assume the applicants position is based on the consideration of the building footprint**

area. However, the ordinance states this requirement is based on total floor area. The existing church within the C-1 district is 11,648 square feet with two stories, and an existing total floor area of 22,000 square feet (as listed on the Title Sheet). The proposed building addition within the C-1 district is approximately 4,460 square feet and three stories, with an assumed total floor area of 13,380 square feet. This proposed floor area is well over the 25% allowable threshold. The Applicant should discuss this matter with the Township Zoning Officer.

#### **IV. SUBDIVISION AND LAND DEVELOPMENT ORDINANCE REVIEW**

1. §162-9.B.(1)(b) – *Provide a closure calculation for the entire tract with error of closure not to exceed one part per 10,000.*

**Please provide a closure calculation which validates General Note #11 on the Title Sheet.**

2. §162-9.B.(1)(c) – *Please revise the sheet names and sheet index to be sheets 1 of 21, 2 of 21, etc. Also, please ensure that sheet names match what is provided in the Sheet Index for each sheet (i.e. Existing Conditions vs Existing Features Plan, BMP Plan vs Storm Water BMP #1A Plan & Details, Details vs PCSM Narrative Detail Sheet). There is reference in the Sheet Index provided on Sheet 100, Title Sheet, to a Sheet 901, yet no Sheet 901 is present in the plan set. In addition, there should be a grading or construction plan provided, or the PCSM Plan should be renamed to “Grading/PCSM Plan.”*

**Revise sheet index to be sheets 1 of 22, 2 of 22, etc. as previously requested. Also, current sheets 900 through 902, which should be revalued to sheets 19 through 22 of 22, should be listed in the Sheet Index as the sheets specific name, not “Details”.**

3. §162-9.B.(2)(b)[7] – *It is unclear from the plan set if the intent is to consolidate the three existing parcels, as some plan sheets show the individual property boundary lines, and others do not. Please clarify. We feel this is the appropriate opportunity to consolidate all lots.*

The Applicant has indicated they do not have an interest in consolidating the lots at this time. **If the Applicant chooses not to consolidate, then all property boundary lines shall be shown and labeled with bearings and distances for the three existing parcels on the Land Development Plan and the Existing Features Plan.**

4. (RW) §162-41.B. – The Applicant is requesting a waiver from the requirement to provide sidewalks along Park Road or Little Conestoga Road. **A Waiver Request Letter shall be provided indicating why relief is requested from this section.**
5. (RW) §162-57.C.(6) – The Applicant is requesting a waiver from the requirement to provide street trees along Park Avenue. **A Waiver Request Letter shall be provided indicating why relief is requested from this section..**
6. (RW) §162-57.C.(6)(c) – The Applicant is requesting a waiver from the requirement to provide street trees at a height of 14-16 feet at planting. **A Waiver Request Letter shall be provided indicating why relief is requested from this section..**
7. (RW) §162-57.C.(7) & §162-57.C.(7)(b) – The Applicant is requesting a waiver from the requirement to provide landscaping at existing parking areas. **A Waiver Request Letter shall be provided indicating why relief is requested from this section..**
8. (RW) §162-57.D.(4)(a) – The Applicant is requesting a waiver from the requirement to provide 3-3.5" caliper shade trees. **A Waiver Request Letter shall be provided indicating why relief is requested from this section.**

## **V. STORMWATER MANAGEMENT ORDINANCE REVIEW**

1. §152-306.I.(2) – *Provide field tests such as double-ring infiltrometer or other hydraulic conductivity tests (at the elevation of the proposed infiltration surface) to determine the appropriate hydraulic conductivity rate. Standard septic/sewage percolation tests are not acceptable for design purposes. The Applicant shall provide infiltration testing at the location of the proposed BMP #1A. It is unclear where the ½ in/hr rate used in the Stormwater Management Report is taken from.*

The Applicant has provided Double Ring Infiltration Testing in Section VII of the Stormwater Management Report, and the results yielded an infiltration rate of zero. **The Applicant shall request a waiver from the infiltration requirement. We would be in support of a waiver; however, it must be formally requested.**

2. §152-402.F. – *The Applicant shall provide an O&M plan, an O&M agreement, and any easement agreements that are needed to ensure access, inspection, maintenance, operation*
  - (1) *An O&M plan;*
  - (2) An O&M agreement*

*(3) Any easement agreements that are needed to ensure access, inspection, maintenance, operation, repair and permanent protection of any permanent BMP(s) and conveyances associated with the regulated activity.*  
*(4) Any written deed, deed amendment or equivalent document (if needed) to be*

The Applicant indicates they will provide a full O&M Plan and Agreement.

3. *There is a proposed storm sewer pipe between CB#103 and JB#1 that runs underneath the proposed building. This should be reviewed for acceptability.*

The Applicant has indicated they have reviewed the pipe configuration; **however, the proposed storm sewer pipe between CB#103 and JB#1 is still proposed to run underneath proposed building.** It appears there is an alternative route that would allow the piping around the building which should be considered.

4. *On pages 26 and 27 of the Stormwater Management Report, please revise the basin elevations, outlet pipe size, length, and slope, and orifice size and elevation to match what is shown on the plans, and recalculate.*

**On page 30 of the Stormwater Management Report, the culvert rise and span should be revised to 18 inches, the length to 33 feet, and the barrel slope to 1.8% to match what is shown on the plans.**

5. Please clarify how stormwater runoff which enters the underground stone bed will get to OS #1A. As shown, there is no connection between the stone bed and the outlet structure inlet box walls. We would like the perforated pipe within the basin bed be shown to connect to the outlet structure box.

## **VI. GENERAL COMMENTS**

1. *The lot area values provided in the Zoning Data Table Chart on the Title Sheet do not appear to match. Please revise.*

**The Applicant shall reverify the values for each property. In General Note #2, the total area of the three properties listed as 1.13 acres, 6.17 acres, and 1.66 acres is 8.96 acres. However, the total area listed is 8.99 acres. Please clarify.**

2. The Traffic Sign Chart (On Site) on the Land Development Plan does not appear to reflect the correct number of proposed stop signs and ADA signs. Also, please indicate the significance of the date of "11-19-13" in the date column.

**VII. TOWNSHIP TRAFFIC CONSULTANT COMMENTS**  
**McMAHON ASSOCIATES, INC.**

1. SALDO Section 162-9.H – The applicant requests a waiver to not provide a traffic study for the site. Based on information provided by the applicant with the latest submission, the purpose of the proposed building is to provide improved facilities for the existing school operations, and it is not intended for a planned increase in enrollment, and therefore no new added traffic is anticipated. Furthermore, the current enrollment for the preschool is 165 students, and the current enrollment for the academy is 187 students. The applicant also indicated as recently as the 2015-2016 school year, the preschool enrollment was 185 students, and the enrollment for the academy was 232 students. The applicant states they do not anticipate student enrollment for either the preschool or the academy will exceed the enrollment of the 2015-2016 school year. In addition, the applicant indicates the existing pick-up and drop-off procedures will not be modified as part of the proposed building construction.

Since it is not proposed to increase enrollment beyond recent historical enrollment for the preschool or academy, we could support a waiver to not require a traffic study at this time; however, the Township may wish to impose a condition that if future on-site traffic operations create a safety or traffic issue which impacts traffic conditions along Little Conestoga Road or Park Road, then the applicant would be required to conduct a study if requested by the Township, and the applicant would be required to implement any needed solutions to improve traffic operations subject to review by the Township.

2. SALDO Section 162-27.1.F – The ordinance allows only one driveway per property in the C1 District; however, we understand this may not be feasible since this is an existing site. However, at minimum, if there is ever any land development or site modifications to 250 or 260 Park Road in the future beyond providing a gravel, overflow parking lot, then we recommend access consolidation at that time.
3. SALDO Section 162-27.1 – Consistent with the spirit and intent of the Township's access management ordinance, the applicant should explore the feasibility of limiting/consolidating access, such as along Park Road, and providing a cross-access connection between 213 Little Conestoga Road, 250 Park Road, and 260 Park Road. At minimum, this should be addressed in the future if there is ever any land development or site modifications to 250 or 260 Park Road beyond providing a gravel, overflow parking lot, as described above.
4. SALDO Section 162-28.A and 162-28.E – Based on the plans, it appears the 260 Park Road property does not provide an adequate half width right-of-way for a minor

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collector. As such, the applicant should provide a minimum 25-foot half width right-of-way along Park Road along the 260 Park Road property. This proposed right-of-way should be labeled “Required Right-of-Way (To Be Dedicated to Upper Uwchlan Township).” In addition, the proposed right-of-way along Little Conestoga Road should relabeled from ultimate right-of-way to “Required Right-of-Way (To Be Dedicated to Upper Uwchlan Township).”

5. SALDO Section 162-41 –Detailed designs of the reconstructed curb ramp on the north side of Park Road opposite the pedestrian crossing of Park Road should be provided, including separate grading details, and all dimensions for construction, including widths, lengths, and all slopes to assist during construction.
6. ZO Section 200-73.D(5) – The plans should be revised to indicate the new handicap parking space pavement markings are proposed (not existing).
7. ZO Section 200-73.H(3) – The proposed parking supply for the site includes 140 paved parking spaces, and 84 gravel parking spaces, for a total of 224 parking spaces. This parking supply exceeds the parking supply requirements separately for the Church use (160 spaces required), and the combined day care/school use (171 spaces required). However, the paved parking supply (140 parking spaces) does not meet either of these requirements. As such, the Township should determine whether the spaces shown as gravel, overflow spaces at 250 and 260 Park Road should be improved to paved parking spaces.
8. Chapter 79-8.C – The proposed redevelopment is located in the Township’s Act 209 Transportation Service Area, and is therefore subject to the Transportation Impact Fee of \$2,334 per weekday afternoon peak hour new trip. However, the applicant has indicated that the purpose of the expansion is to house the existing preschool and academy, and it is not proposed to expand enrollment for either of these uses, and therefore no new traffic is expected. As such, a traffic impact fee would not be required for this development. Alternatively, if there is the possibility of an enrollment increase and new added weekday afternoon peak hour traffic, then there would be two options: (1) if enrollment increases beyond the 2015-2016 school year enrollment based on the new building, then the added traffic could be determined based on a trip generation calculation according to the Institute of Transportation Engineers, or (2) a before and after site trip generation study could be conducted to confirm the increase in peak hour traffic.
9. Upon resubmission, the applicant's engineer should compose a response letter that describes how each comment has been addressed and where any plan and/or report revisions are located.

10. Additional comments regarding the traffic improvements and/or land development plans may follow upon receipt of future submissions.

### **VIII. TOWNSHIP PLANNING CONSULTANT COMMENTS** **BRANDYWINE CONSERVANCY**

#### **Conditional Use Requirements**

Half of the proposed addition falls in the R-2 Zoning District. The application form is missing a reference to Zoning Ordinance, Section 200-17.B(1), which states, regarding conditional uses, that "A building may be erected, altered or used, and a lot may be used or occupied for any of the following purposes and no other:

- A. Any use permitted by right in the R-1 District.
- B. The following uses when authorized as a conditional use by the Board of Supervisors subject to 200-116 of this chapter:
  - (1) "Educational or religious use."

Zoning Ordinance (ZO), Section 200-33.B(1) states, regarding conditional uses, "In the C-1 Village District, a building may be erected, altered or used, and a lot may be used or occupied, for any of the following principal purposes when authorized as a conditional use by the Board of Supervisors, subject to 200-116 of this chapter. Conditional use approval in the C-1 Village District shall require full compliance with all applicable design standards set forth in 200-36, except where as a specific condition of approval, the Board provides for modification to such standards upon satisfactory demonstration by the applicant that full compliance is not practicable, based upon a preponderance of evidence.

- (1) "Educational or religious use."

Zoning Ordinance (ZO), Section 200-34.H states, regarding building size restrictions, "No individual building shall contain more than 6,000 square feet of total floor area, except where increased square footage above 6,000 is entirely within an additional story or stories above the first floor or where increased square footage above 6,000, and not limited to a 50% increase, is approved subject to conditional use approval and in accordance with all applicable design standards herein. For purposes of this section, an individual building shall be considered as a space or contiguous spaces fully separated from any other building. For purposes of this section, abutting buildings shall be considered as an individual building whether or not separated by permanent walls."

## Site Context

The three parcels are located in the Village of Eagle. Two Class II Historic Resources are located on the 213 Little Conestoga Road parcel. The Windsor Church Parsonage at the intersection of Little Conestoga and Park Roads is noted in the 2001 PA Historical Resource Survey Form as a vernacular I-type house built in 1875 that is a Class II resource, and is described as "Although relatively intact, this house is not architecturally significant." Windsor Baptist Church, built between 1869-72, is noted as a Class II resource in the 2001 PA Historical Resource Survey Form, which states that "The resource is relatively intact, and historically significant, yet has several additions." It has two historic function categories, religion and funerary. The Seabolt House/Windsor Church Parsonage, a neighboring parcel home to the original parsonage for Windsor Baptist Church, is located at 240 Little Conestoga Road. The PA Historical Resource Survey Form indicates that the house and garage/shed building was built in 1830 and is a Class II resource.

## Description of Plot Plans

Applicant should verify the data provided in the Zoning Table on Sheet 100, due to several inconsistencies that we noticed. For example, if the Applicant is submitting a Conditional Use application for all three parcels at 250 Park Road, 260 Park Road, and 213 Little Conestoga Road, the Zoning Data Table should indicate the total acreage for all three parcels that is zoned C-1 Village District as 9.09 acres.

Three buildings exist on the 213 Little Conestoga Road parcel, identified as an existing church, existing two-story building, and existing two-story dwelling, on the plans. The church has a total floor area of 22,000 square feet, the two-story building has total floor area of 1,474 square feet, and the two-story dwelling has a total floor area of 2,102 square feet. The site includes a playground, cemetery, and green house. 222 parking spaces are currently on the site. A sidewalk extends partially along the parcel, along Park Road, to a mid-block crosswalk south and west of Ticonderoga Blvd. A second sidewalk segment is located on the parcel, at the intersection of Little Conestoga and Park Roads. The two parcels to the south and east that are also owned by the Applicant, 250 and 260 Park Road, include trailers, sidewalk, and a two-story building with a total floor area of 4,824 square feet.

The submitted plans and elevation schematics propose removing the trailers from the 250 Park Road parcel and expanding the existing church with a three-story school addition with a total floor area of 27,570 square feet. When combined with the existing church, the new school addition and church building will equal 49,570 square feet in total floor area. The proposed school addition is long and rectangular, with variations in façade massing, rooflines, cladding color, and materiality, in particular along the façade facing Little Conestoga Road. The color scheme is primarily tan, green, and red, with a gray roof. Four street trees are proposed along Little Conestoga Road. 19 shrubs and 27 trees are proposed along portions of the site

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boundaries north and west of the addition, including 15 deciduous trees and 12 evergreen trees. A sidewalk is proposed from the existing sidewalk along Park Road to an existing pathway due south of the proposed playground.

### **Recommended Conditions of Approval**

Of primary concern to the Conservancy is the architectural design of the addition, specifically the overall building height and the design of the northwest facing façade, and its relationship to and site lines from Little Conestoga Road. We recommend the Land Development Plan be revised to reflect the following conditions of Conditional Use.

1. The Applicant shall demonstrate, to the satisfaction of the Township, the height of the proposed addition, by providing dimensioned elevation drawings for all four facades.
2. Due to the close proximity of the northwest facing façade in the R-2 Zoning District to the C-1 Village District, we suggest the Applicant demonstrate that the design of the addition and its relationship to surrounding buildings and landscaped areas mitigates any negative impacts of a long continuous building facade on the character of the C-1 Village District, as specified in Zoning Ordinance (ZO), Section 200-36.B.(1)(a) by: providing a perspective view rendering of the proposed building and site landscaping from Little Conestoga Road, specifically to show the visibility of the northwest facing façade from Little Conestoga Road.
3. Due to the close proximity of the northwest facing façade in the R-2 Zoning District to the C-1 Village District, we suggest the Applicant demonstrate that the design of the addition and its relationship to surrounding buildings and landscaped areas mitigates any negative impacts of a long continuous building facade on the character of the C-1 Village District by: incorporating elements and/or mitigating factors into the design of the northwest facing façade, visible from Little Conestoga Road, as outlined in ZO Section 200-36.B.(1)(a-d). In our opinion, the southeast façade facing Park Road, is a strong representation of the specifications in the Zoning Ordinance and is clearly depicted in the land development plans and renderings submitted by the Applicant.
4. The Applicant shall demonstrate, to the satisfaction of the Township, the roof materiality and wall outlined in ZO 200-36.B(1)(b) and ZO 200-36.B(1)(c). In our opinion, the Applicant has clearly provided a comprehensive representation of the architectural design of the proposed addition through the submitted renderings. We request the Applicant further clarify the materiality that is proposed for the roof and exterior walls.

Applicant has requested waivers from ZO Section 200-117.I for recreation, traffic, fiscal, and historic impact statements. We defer to the Township's traffic engineer, regarding the traffic impact statement waiver request. We support these Applicant's request for a waiver from

submitting a recreation impact statement, as they are providing a new, 5,600 square foot playground on the site to replace an existing playground, the request for an historic impact statement, and the request to waive the fiscal impact statement. While we support these waivers for the purposes of the Conditional Use Application, the waivers requested on Sheet 100 of the Revised Land Development Plan Set will require further review.

**IX. TOWNSHIP SEWER CONSULTANT COMMENTS**  
**ARRO CONSULTING, INC.**

1. The existing sewer flow capacity for the site is 1,058 gallons per day, utilizing 225 gallons per Day/Equivalent Dwelling Unit (GPD/EDU) the sanitary sewer capacity required 4.7 EDUs. Based on the letter from the Windsor Baptist Church which provides information on the existing and future enrollments of the preschool and academy, this sewer capacity appears acceptable. We recommend that the Township reserve the right to evaluate water usage after the building is opened and require the purchase of additional capacity, if warranted.
2. If kitchen facilities are proposed within the new building, a concrete grease trap / interceptor should be installed on the sewer lateral. A detail of the proposed grease interceptor should be provided on the plans.
3. The sanitary sewer for 260 Park Road is connected to the sanitary lateral which transverses the 250 Park Road property and 213 Little Conestoga Road that generally parallels Park Road. All properties are owned by Windsor Baptist Church.
  - The above information should be duly noted on the Title Sheet, under the general notes.
  - The approximate location of this existing lateral for 260 Park Road should be shown on the Utility Plan.
  - It should be noted on the plans that the care shall be taken during the removal of the existing modular building on 250 Park Road as to not damage the existing service lateral.

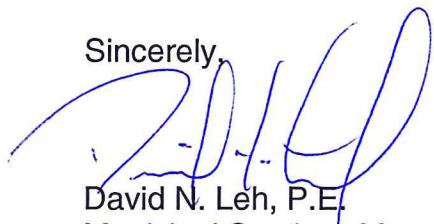
This concludes our second review of the above referenced Preliminary Land Development Application as well as our review of the Conditional Use Application. We would recommend the plans be revised to address the above referenced comments. If you have any questions, please do not hesitate to contact me.

Cary B. Vargo, Upper Uwchlan Township Manager  
Reference: Windsor Baptist Church – Proposed School Building  
Preliminary Land Development Review  
Upper Uwchlan Township, Chester County, PA  
File No. 18-11016T  
July 3, 2019

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Sincerely,

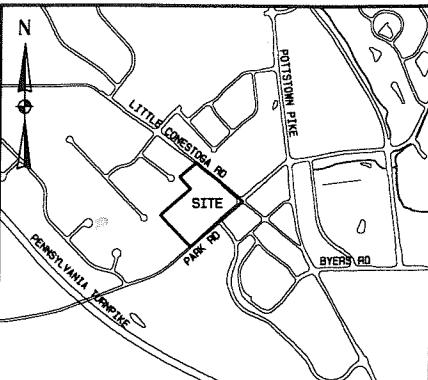
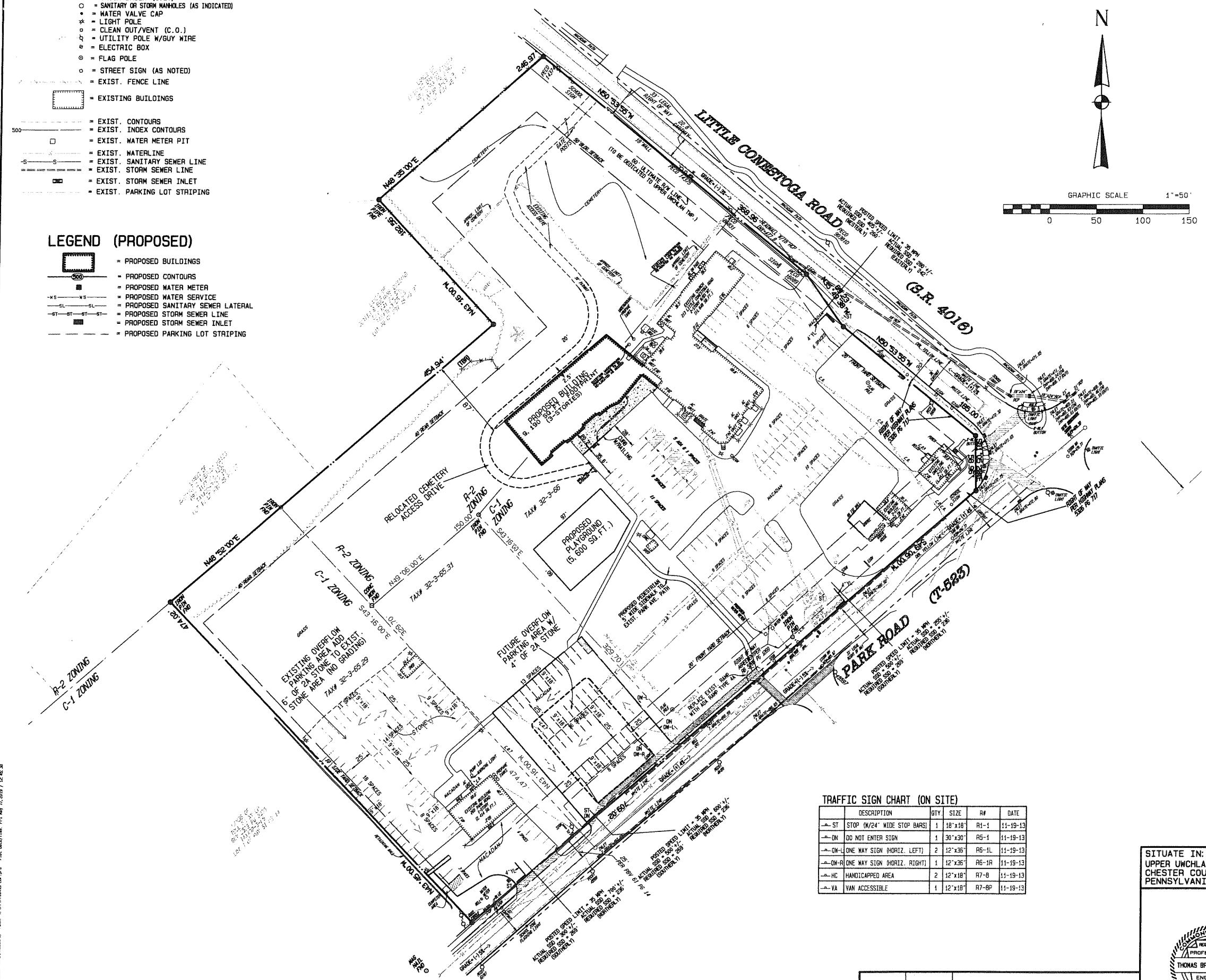


David N. Leh, P.E.  
Municipal Services Manager  
Gilmore & Associates, Inc.

cc: Upper Uwchlan Township Planning Commission Members  
Upper Uwchlan Township Board of Supervisors  
Upper Uwchlan Township Historic Commission (via email only)  
Sheila A. Fleming, ASLA, Brandywine Conservancy (via email only)  
Christopher J. Williams, P.E., McMahon Associates, Inc. (via email only)  
David M. Schlott, Jr., P.E., ARRO Consulting, Inc. (via email only)  
Kristin Camp, Esq. – Buckley, Brion, McGuire, & Morris LLP (via email only)  
Richard Ruth, Lionville Fire Company (via email only)  
Thomas Ludgate, PE – Ludgate Engineering (via email only)

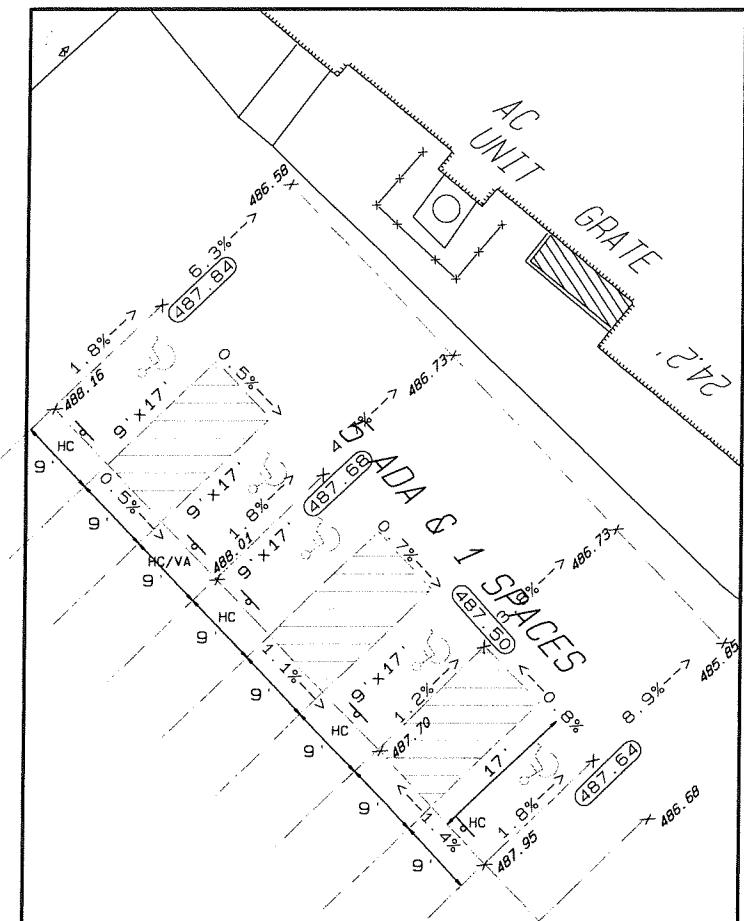
### LEGEND (EXISTING)

- = MAILBOX
- = CATCH BASIN (C.B.)
- = SANITARY OR STORM MANHOLES (AS INDICATED)
- = WATER VALVE CAP
- = LIGHT POLE
- = CLEAN OUT/VENT (C.O.)
- = UTILITY POLE W/GUY WIRE
- = ELECTRIC BOX
- = FLAG POLE
- = STREET SIGN (AS NOTED)
- = EXIST. FENCE LINE
- = EXISTING BUILDINGS
- = EXIST. CONTOURS
- = EXIST. INDEX CONTOURS
- = EXIST. WATER METER PIT
- = EXIST. WATERLINE
- = EXIST. SANITARY SEWER LINE
- = EXIST. STORM SEWER LINE
- = EXIST. STORM SEWER INLET
- = EXIST. PARKING LOT STRIPING



LOCATION MAP

SCALE: 1"=1,000'



ADA PARKING GRADING DETAIL

SCALE: 1"=10'

TRAFFIC SIGN CHART (ON SITE)

DESCRIPTION	QTY	SIZE	R#	DATE
ST STOP (W/24" WIDE STOP BARS)	1	18" x 18"	R1-1	11-19-13
DN DO NOT ENTER SIGN	1	30" x 30"	R5-1	11-19-13
ON ONE WAY SIGN (HORIZ. LEFT)	2	12" x 36"	R6-1L	11-19-13
ON-R ONE WAY SIGN (HORIZ. RIGHT)	1	12" x 36"	R6-1R	11-19-13
HC HANDICAPPED AREA	2	12" x 18"	R7-8	11-19-13
VA VAN ACCESSIBLE	1	12" x 18"	R7-8P	11-19-13

SITUATE IN:  
UPPER UCHLАН TOWNSHIP,  
CHESTER COUNTY,  
PENNSYLVANIA

WINDSOR BAPTIST CHURCH

Ludgate Engineering Corporation  
ENGINEERS SURVEYORS PLANNERS  
ENVIRONMENTAL SCIENTISTS  
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LINCOLN CORPORATE CENTER  
10 VANGUARD DRIVE, SUITE 90  
READING, PA 19606  
PHONE: 610/404-7330 A FAX: 610/404-7371  
www.ludgate-eng.com



THOMAS BRYAN LUDGATE  
ENGINEER  
PE076995  
PA  
PA ONE  
CAB DATE  
2/21/2020  
2/21/2020

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WAH RAB CAB DATE 2/21/2020 2/21/2020  
01-22-19 04-09-19 DRAWING NUMBER  
SCALE TAX MAP PARCEL D-7700413 SHEET 200

#1 WAH	04-18-19	PER GILMORE REVIEW 04-04-19
REVISION	DATE	DESCRIPTION

BUCKLEY, BRION, McGUIRE,  
& MORRIS LLP  
By: KRISTIN S. CAMP, Esquire  
Attorney I.D. # 74593  
118 West Market Street, Suite 300  
West Chester, Pennsylvania 19382  
(610) 436-4400

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**IN RE: CONDITIONAL USE** : **BEFORE THE UPPER UWCHLAN**  
**APPLICATION OF** : **TOWNSHIP BOARD OF SUPERVISORS**  
**WINDSOR BAPTIST CHURCH** : **CHESTER COUNTY, PENNSYLVANIA**

**DECISION AND ORDER**

On May 9, 2019, Windsor Baptist Church ("Applicant") filed an application (the "Application") with the Board of Supervisors of Upper Uwchlan Township (the "Board") seeking conditional use approval pursuant to Section 200-33.B(1) of the Upper Uwchlan Township Zoning Ordinance (the "Ordinance") to construct an approximately 9,190 square foot (footprint) addition to its existing church/school building located at the intersection of Little Conestoga Road and Park Road.<sup>1</sup>

Applicant owns three parcels of property identified as Chester County Tax Parcel Nos. 32-3-65.31-E, 32-3-65.29-E and 32-3-66-E with addresses of 250 Park Road, 260 Park Road and 213 Little Conestoga Road, respectively (collectively referred to as the "Property"). The Property is primarily located in the C-1 Village Commercial District with a small portion of the Property located in the R-2 Residential District. Applicant also proposes to install a new playground area, remove two existing modular buildings, install a future stone parking area on Parcel 32-3-65.31-E and relocate the access driveway to the cemetery on Parcel 32-3-66-E. Applicant also requested a conditional use under

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<sup>1</sup> A portion of the building addition is proposed to be located in the R-2 Zoning District. Thus, Applicant also needs conditional use approval to build the church/school building pursuant to Section 200-17.B(1) which allows religious and educational uses in the R-2 District by conditional use.

Section 200–34.H of the Ordinance to allow the building addition to be greater than 6,000 square feet in floor area.

The Board conducted a public hearing on the Application on August 13, 2019 at 6:00 p.m. Applicant appeared at the hearing represented by Phil Marks, an Elder and Chairperson of the Church Building Committee, Dale R. Yoder, AIA, the architect who designed the architectural plans for the new building and Thomas Ludgate, P.E., the civil engineer who designed the site plans. The Board was represented by Township Solicitor, Kristin S. Camp, Esquire. No individuals requested party status.

The Board voted at the September 16, 2019 public meeting to approve the Application with the conditions listed herein.

From the testimony and exhibits presented at the hearings, the Board makes the following:

### **FINDINGS OF FACT**

#### **Procedural Requirements and Description of Property**

1. All facts set forth in the introductory paragraphs above are incorporated herein by reference and are deemed to be factual findings of the Board.
2. The hearing held on August 13, 2019 was advertised in the *Daily Local News* on July 23, 2019 and July 30, 2019. See Exhibit B-3.
3. The Property was posted with a copy of the public notice of the August 13, 2019 hearing on August 2, 2019. See Exhibit B-4.
4. Applicant is the owner of the Property pursuant to three separate deeds recorded in the Office of the Chester County Recorder of Deeds and identified on the title sheet of the land development plans that were admitted as Exhibit A-1.

5. The Property contains a total of approximately 8.99 acres

6. Parcel 32-3-66-E at 213 Little Conestoga Rd. contains a two-story building used as the church which has a building footprint of 11,648 square feet, an existing two-story dwelling with a footprint of 1,051 square feet, an existing two-story dwelling with a footprint of 737 square feet, playground area, greenhouse, parking lots and a cemetery. Parcel 32-3-65.31-E, which abuts Parcel 32-2-66-E to the south, contains two modular classroom buildings and a parking lot. Parcel 32-3-65.29-E, which abuts Parcel 32-3-65.31-E to the south contains a one-story building which has a footprint of 2,414 square feet and a gravel overflow parking area.

7. The existing church building located on Parcel 32-3-66-E at 213 Little Conestoga Rd. was built between 1869-72 and is noted as a Class II Historic Resource in the 2001 Pennsylvania Historical Research Survey. The Windsor Church Parsonage located on the same parcel was built in approximately 1875 and is also identified as a Class II Historic Resource.

8. The uses on the Property include a church, preschool and a school for children ages K through 8<sup>th</sup> grade referred to as the "Academy."

9. Applicant requested conditional use approval to build a new school building which will house the Academy and be attached to the existing church building (the "New School Building").

10. Applicant does not propose any changes to the access driveways from Little Conestoga Road and Park Road to the Property but does propose a new internal access driveway leading to the cemetery on Parcel 32-3-66-E.

11. Applicant intends to relocate the playground and construct a new 5,600 square foot playground on Parcel 32-3-66-E to the south and east of the New School Building.

12. Applicant filed preliminary land development plans prepared by Ludgate Engineering Corporation dated January 22, 2019, last revised April 18, 2019, which plans were admitted at the hearing as Exhibit A-1 (the "LD Plans").

13. The LD Plans depict the existing buildings and parking areas on the Property as well as the proposed New School Building which will be located to the south and west of the existing church approximately 180 feet from Little Conestoga Road and 320 feet from Park Road.

14. Applicant requested a waiver from the requirement to provide a recreation impact statement, a historic impact statement and fiscal impact statement. The Township consultants had no objection to this request given Applicant's representation that it did not propose any significant increase in enrollment at the preschool or Academy.

15. Applicant intends to install additional sidewalks internal to the site to allow safe pedestrian access between the various buildings on the Property and from the parking lot to the existing mid-block crossing on Park Road to allow pedestrians to safely cross Park Road.

16. Applicant also intends to install additional landscaping to buffer the New School Building from residential properties located to the north and west.

17. Applicant testified that it currently has sufficient parking for all of the uses on the Property.

18. Applicant sent correspondence to the Township engineer which explains the current and projected enrollment for the preschool and the Academy. This correspondence was admitted as Exhibit B-9.

19. Applicant indicated that the current preschool enrollment is 165 students with one full-time director and 22 part-time teachers. The current enrollment for the Academy is 187 students with four full-time staff, 13 full-time teachers and seven part-time teachers. The church currently employs three full-time staff, one part-time staff, one on call custodian and two evening custodians.

20. Applicant indicated that the purpose for constructing the New School Building was to consolidate the classrooms for the Academy into one modern classroom wing and not to increase the number of classrooms of students on the campus.

21. Applicant has no intention to increase the enrollment for either the preschool or Academy but does admit that with improved facilities, enrollment may increase to the following: preschool 190 students and Academy 230 students.

22. Applicant requested a waiver from the requirement to provide a traffic study. The Township traffic engineer had no objection to the Board waiving this requirement given that there is no significant anticipated increase in enrollment. The Township traffic engineer suggested that the Board impose a condition that if future on-site traffic operations create a safety or traffic issue which impacts traffic conditions on Little Conestoga Road or Park Road, Applicant should be required to conduct a traffic study at that time and implement traffic improvements necessary to improve traffic operations.

23. Applicant intends to extend public water and public sewer to the New School Building.

24. Applicant introduced various architectural renderings of the New School Building at the hearing which were admitted as Exhibits A-2 through A-5.

25. Applicant prefers to design the New School Building consistent with the design depicted in the rendering that was admitted as Exhibit A-4 which proposed a pitched roof and height that exceeds 35 feet.

26. Applicant intends to use the materials and colors for the exterior façade of the New School Building depicted in the architectural rendering which was admitted as Exhibit A-2 labeled "Phase 1 -Option 1."

27. As funding permits Applicant intends to modify the colors of the exterior façade of the New School Building as depicted in the architectural rendering which was admitted as Exhibit A-3 labeled "Phase 1- Option 2."

28. The Board may modify the maximum height limit of 35-foot height pursuant to Section 200-34.F of the Ordinance which provides that as a condition of conditional use approval, the Board may permit roof structures above the cornice line which exceed the applicable height limit, where the Board agrees that such structures enhance the appearance of the overall design.

29. The Planning Commission reviewed the Application at its meeting on August 8, 2019 and suggested that Applicant be required to annually advise the Township of the enrollment for the preschool and Academy and once the total enrollment for both schools exceeds 500 students, Applicant should be required to conduct a traffic impact study.

30. Applicant stated that they were willing to work with the Historic Commission to develop a design for the architecture of the New School Building so that it is in keeping with the architecture of the other buildings located in the C-1 District and the Village of Eagle.

31. The Board entered the following exhibits, without objection by Applicant:

- B-1: Conditional Use Application dated May 9, 2019
- B-2: Memorandum from Thom Ludgate, PE, PLS, LEED AP to Upper Uwchlan Township requesting waiver from required studies
- B-3: Proof of Publication in the Daily Local News on July 23, 2019 and July 30, 2019
- B-4: Affidavit of Posting of Al Gaspari, Township Codes Administrator, dated August 2, 2019
- B-5: Letter dated June 10, 2019 from Applicant granting extension to hold hearing
- B-6: Summary of Planning Commission recommendation
- B-7: Township Engineer review letter dated July 3, 2019
- B-8: Prior Conditional Use Decision and Order dated August 3, 2016
- B-9: Letter from Phil Marks, Elder and Building Committee Chairperson of Windsor Baptist Church to David N. Leh, P.E., Township Engineer

32. Applicant entered the following exhibits without objection by the Township:

- A-1: Preliminary Plan for Windsor Baptist Church, last revision date April 18, 2019

- A-2: Architectural Renderings – Phase 1/Option 1
- A-3: Architectural Renderings – Phase 1/Option 2
- A-4: Architectural Rendering – Higher roof line
- A-5: Architectural Rendering – Lower roof line

### **CONCLUSIONS OF LAW**

1. Applicant has standing to file the Application.
2. The conditional use hearing was duly advertised in accordance with the provisions of the Pennsylvania Municipalities Planning Code ("MPC") and the Ordinance and the Property was posted in accordance with the requirements of the MPC.
3. The Property is primarily located in the C-1 Village Commercial District with a small portion in the R-2.
4. Section 200-17.B(1) of the Ordinance permits an educational use in the R-2 Residential District by conditional use.
5. Section 200-33.B(1) of the Ordinance permits an educational use in the C-1 Village District by conditional use.
6. Section 200-34.F of the Ordinance allows the Board of Supervisors to approve a building height greater than 35 feet in the C-1 District as part of a conditional use application where the Board agrees that the additional height of the structure enhances the appearance of the overall architectural design.
7. Section 200-34.H of the Ordinance provides that no individual building shall contain more than 6,000 square feet of total floor area, except where increased square footage above 6,000 is entirely within an additional story or stories above the first floor or

where increased square footage above 6,000, and not limited to a 50% increase, is approved subject to conditional use approval and in accordance with all applicable design standards in Section 200-34.

## DISCUSSION

A conditional use is a use permitted in a particular zoning district pursuant to the provisions in Article VI of the MPC, 53 P.S. §10603. A conditional use concerns only a proposed use of land, not particular design details of the proposed development. *Joseph v. North Whitehall Township Board of Supervisors*, 16 A. 3d 1209 (Pa. Cmwlth. 2011). A conditional use is a special exception which falls within the jurisdiction of the municipal legislative body rather than the zoning hearing board. 53 P.S. §10603(c). *Id.* The municipal legislative body may grant a conditional use pursuant to the express standards and criteria set forth in the zoning ordinance. *Appeal of Richboro CD Partners, L. P.* 89 A3d. 742 (Pa. Cmwlth. 2014). The fact that a use is permitted as a conditional use, rather than prohibited, reflects a legislative decision that the use is not *per se* adverse to the public interest. *Id.* In order to demonstrate that the applicant is entitled to the conditional use, the applicant initially bears the burden of establishing that the application complies with the objective standards and criteria in the zoning ordinance. *Id.* Once the applicant has satisfied this initial burden, the burden shifts to the objectors to rebut this presumption by establishing that the use will have a detrimental impact on the surrounding community. *Id.*

In granting a conditional use, the Board has the authority to impose reasonable conditions and safeguards if such conditions are necessary to implement the purposes of the Ordinance and to protect the health, safety and welfare of the surrounding property

owners. 53 P.S. §10603(c)(2). Conditions imposed by the Board are designed to protect the public interest of surrounding property owners. *Ford v. Zoning Hearing Bd. Of Caernarvon Twp.*, 616 A.2d 1089, 1092 (Pa. Cmwlth. Ct. 1992).

On August 3, 2016, Applicant obtained conditional use approval pursuant to Section 200-33.B(1) of the Ordinance to construct four classrooms within the existing church building to house an estimate of 60 students plus teachers. In this conditional use Decision and Order, which was admitted as Exhibit B-8, the Board imposed a condition that all modular classrooms shall be removed from the Property upon the completion of the construction and occupancy of the school expansion. As of the date of filing the Application, Applicant still had not removed the modular classrooms. Thus, the Board will impose as a condition of approval the requirement that Applicant remove the modular classrooms within 90 days of obtaining a use and occupancy permit for the New School Building.

The Board is pleased that Applicant is building the New School Building to house the Academy in lieu of the temporary modular classrooms. The Board appreciates Applicant's willingness to design the New School Building in accordance with the design standards for buildings in the C-1 District. The Board is willing to allow the height of the New School Building to exceed 35 feet in order to provide a pitched roof as depicted on the architectural renderings admitted as Exhibit A-4 as such increased height enhances the appearance of the overall design. The Board will require Applicant to continue to work with the Historical Commission and Planning Commission on the architectural design of the New School Building to comply with the standards in Section 200-36.B during the land development approval process.

The Board is willing to waive the requirement that Applicant provide a recreation impact statement, historic impact statement and fiscal impact given the testimony that the School's population will not considerably increase. The Board will defer the requirement to perform a traffic impact study until enrollment of students at the preschool and Academy exceeds 500 students.

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**ORDER**

AND NOW, this 16<sup>th</sup> day of September, 2019, the Board hereby approves a conditional use pursuant to Sections 200-17.B(1) and 200-33.B(1) to permit the development of the New School Building as an educational use in the R-2 and C-1 Village District subject to the conditions listed below. The Board also approves a conditional use pursuant to Section 200-34.H to allow the New School Building to exceed 6,000 square feet. Pursuant to the authority in Section 200-34.F of the Ordinance, the Board also approves the height of the New School Building to exceed 35 feet to allow a pitched roof design as depicted in the architectural renderings which were admitted as Exhibit A-4. The conditional use approvals are subject to Applicant's compliance with the conditions listed below.

**CONDITIONS OF APPROVAL**

1. Applicant shall construct the New School Building in accordance with the testimony and evidence presented at the hearing for the Application, except to the extent that any testimony or exhibits are revised to comply with Code requirements and to obtain final land development approval.

2. The specific design for the architecture for the New School Building shall be discussed with the Planning Commission and Historical Commission as part of their review of the land development plans and ultimately approved by the Board as part of final land development approval.

3. Applicant shall comply with outstanding comments set forth in the Township engineer's review letter dated July 3, 2019 to the satisfaction of the specific Township consultant during the land development approval process.

4. Applicant shall annually advise the Township in writing of the enrollment for the preschool and the Academy. If the enrollment for the preschool and Academy exceed a total of 500 students, Applicant shall be required to conduct a traffic impact study and implement traffic improvements recommended in the traffic study and approved by the Township traffic consultant to improve traffic operations in the vicinity of the Property and surrounding intersections. Also, at any time upon written notice, the Township may require Applicant to conduct a traffic study if there are on-site traffic circulation issues that create safety or traffic operations issue at the site accesses or along the adjacent roads, and in such case Applicant shall be required to implement the improvements recommended in the study to improve traffic conditions and as approved by the Township traffic consultant.

5. If the enrollment for the preschool and Academy exceed a total of 500 students, Applicant shall be required to submit evidence of the sanitary sewage flows from the Property and if the flows exceed the capacity purchased to date, purchase additional sewage capacity in an amount determined by the Township sewer consultant.

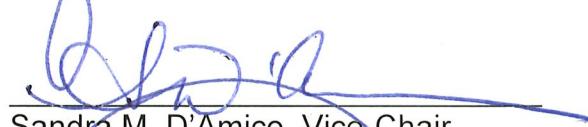
6. Applicant shall demonstrate to the Zoning Officer prior to the Board issuing final land development approval that it provides sufficient parking for all of the uses on the Property based on the Ordinance requirements.

7. Applicant shall remove the modular classrooms on the Property within 90 days of obtaining a use and occupancy permit for the New School Building.

8. Applicant and its successors and assigns in interest to the Property shall be strictly bound by this Decision.

**UPPER UWCHLAN TOWNSHIP  
BOARD OF SUPERVISORS**

  
Guy A. Donatelli, Chair

  
Sandra M. D'Amico, Vice-Chair

  
Jamie W. Goncharoff, Member

RECEIVED



20 SEP 20 2019

UPPER UWCHLAN TWP  
SUBDIVISION / LAND DEVELOPMENT APPLICATION ADMINISTRATIVE OFFICES

Preliminary Submittal

Final Submittal

The undersigned hereby applies for review of the Plan submitted herewith and described below:

Eaglepointe Village Starbucks  
Drive Thru Modifications

1. Name of Subdivision / Development: Drive Thru Modifications
2. Plan Dated: 9/18/19 County Deed Book/Page No. 5724 - 1293
3. Name of property owner(s): Eagle Retail Associates LP

Address: 120 Pennsylvania Ave, Malvern

State/Zip: Pa 19355 Phone No.: 610 873 5585

Email: thomas@jlocw.com

4. Name of Applicant (If other than owner):

Same as owner

Address: \_\_\_\_\_

State/Zip: \_\_\_\_\_ Phone No.: \_\_\_\_\_

Email: \_\_\_\_\_

5. Applicant's interest (If other than owner): Owner

6. Engineer, Architect, Surveyor, or Landscape Architect responsible for Plan.

Edward B Walsh & Associates Inc

Address: 125 Dowlin Forge Rd Exton

State/Zip: Pa 19341 Phone No.: 610 903-0029

Email: andyle@ebwalshinc.com

7. Total acreage: 14.15 acres Number of Lots: 1

8. Acreage of adjoining land in same ownership: (If any) 0

9. Describe Type of Development Planned: Re-work of former

key Bank drive-thru for a Starbucks Coffee  
Shop

10. This Application shall be accompanied by: the Application Fee as listed below, an aerial image of the property, and the quantity of plans/supporting information as detailed in the Township Code §162-8.B.(1)(b) and/or §162-8.C.(1)(d).

**NOTE:** [One-half of the required plan submissions may be of a reduced size, i.e. 11 x 17]

11. List all subdivision and zoning standards or requirements which have not been met and for which a waiver or change is requested.

None

12. The Applicant or his/her agent shall enter into a Subdivision / Land Development Review Escrow Agreement (attached) and place into escrow with the Township at the time of application an amount estimated by the Township to cover all costs of engineering and professional planning reviews (not including County application fee), legal services and other professional services used by the Township in connection with the application.

Signature of Property Owner or Applicant:

By: Timothy S. Timberlake M. Townes

Date: 9/20/19

\*Development subject to ACT 209 Impact Fee.

\*Park & Recreation Fee per residence is levied. Contact Township Offices to determine amount.

### **SUBDIVISION / LAND DEVELOPMENT APPLICATION FEE**

1-2 Lots ..... \$250

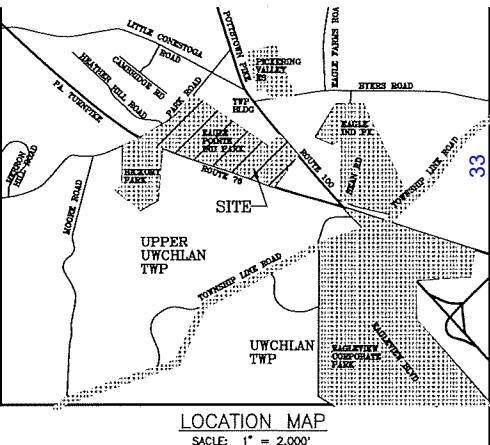
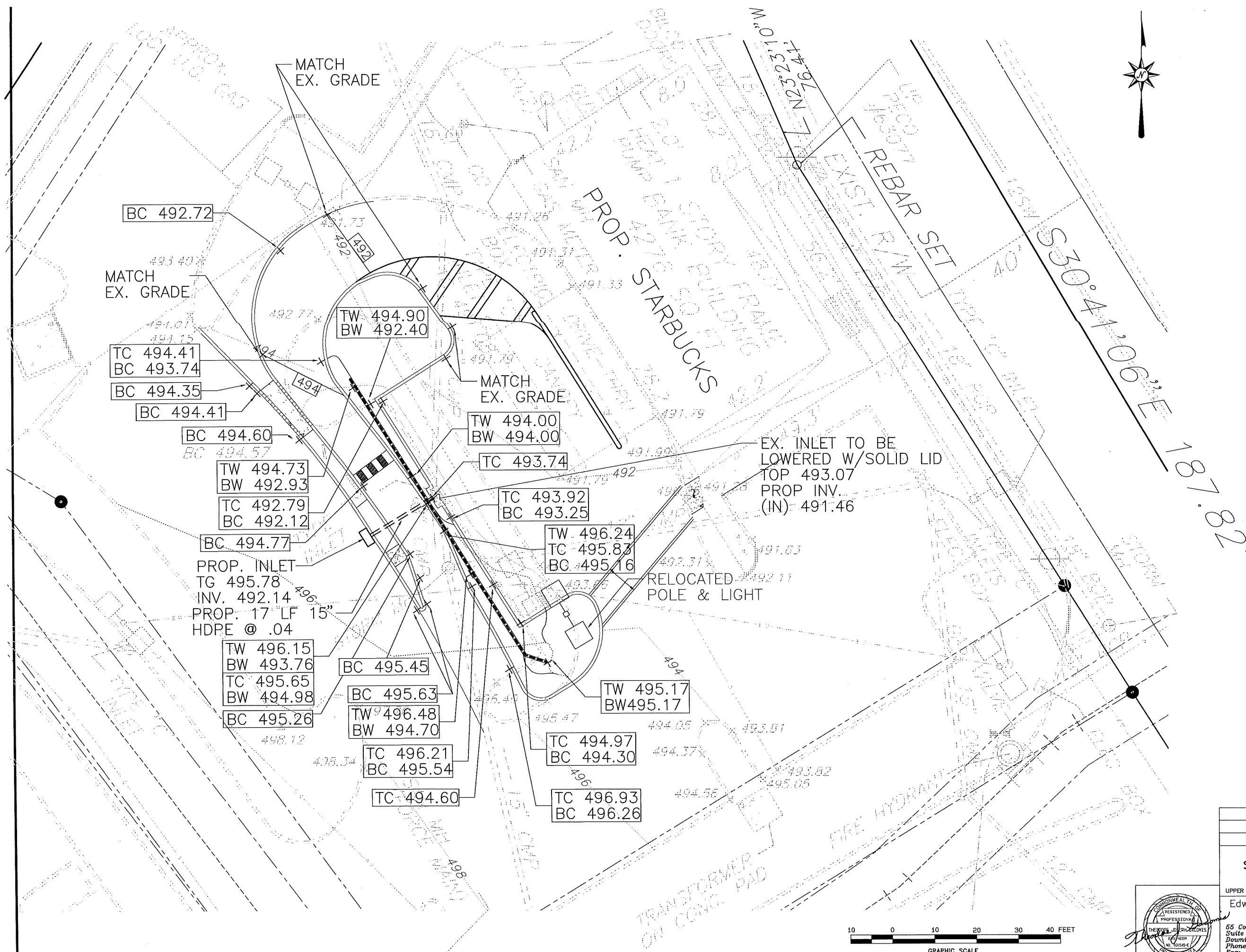
3-5 Lots ..... \$500  
Plus \$25 for each Lot over 3

Over 5 Lots ..... \$1000  
Plus \$50 for each Lot over 5

Form revised January 2015

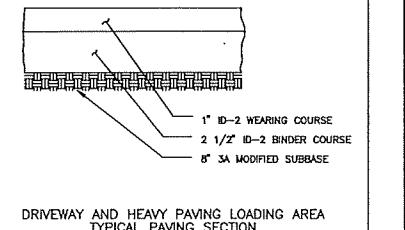




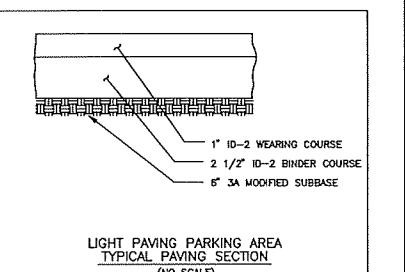


LOCATION MAP

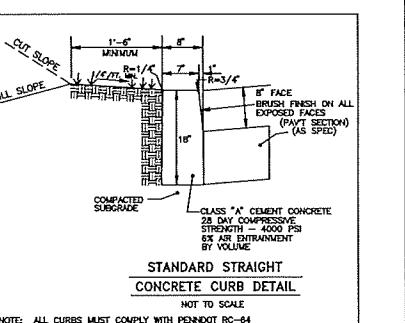
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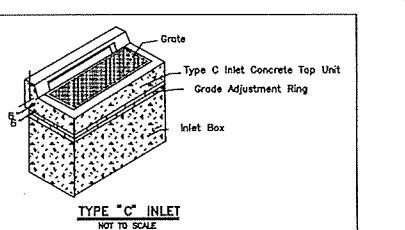
DRIVEWAY AND HEAVY PAVING LOADING AREA  
TYPICAL PAVING SECTION



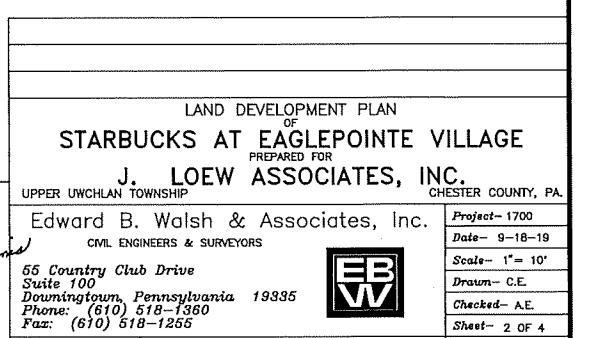
**LIGHT PAVING PARKING AREA  
TYPICAL PAVING SECTION**



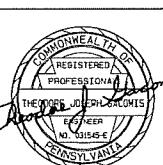
NOT TO SCALE



## GRADING PLAN



LAND DEVELOPMENT PLAN  
OF  
STARBUCKS AT EAGLEPOINTE VILLAGE  
PREPARED FOR  
J. LOEW ASSOCIATES, INC.  
UPPER UWCHELL TOWNSHIP, PA. CHESTER COUNTY, PA.



PROFESSIONAL  
THEODORE J. RICHMOND  
ENGINEER  
55 Country Club Drive  
Suite 100  
Downington, Pennsylvania 19335

AD. 031545-E  
Pennsylvania  
Phone: (610) 518-1360  
Fax: (610) 518-1255

Project-1700

Date - 9-18-19

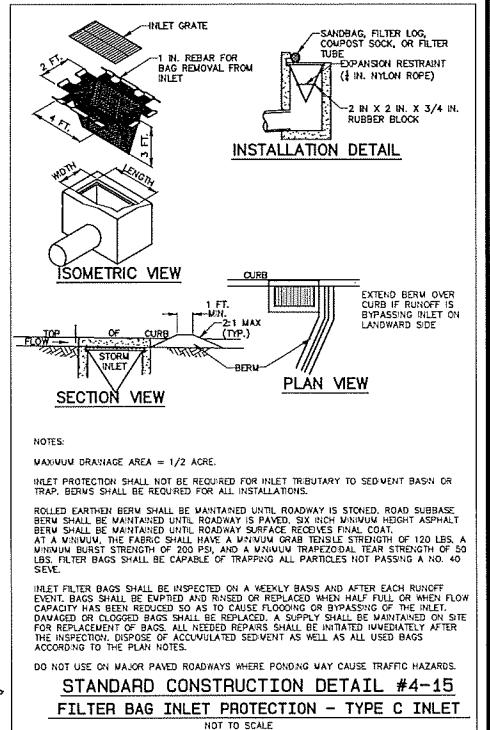
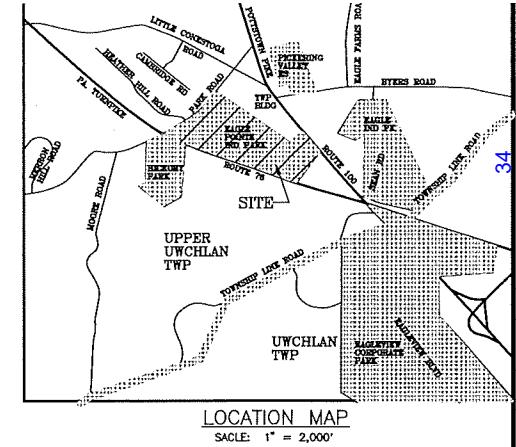
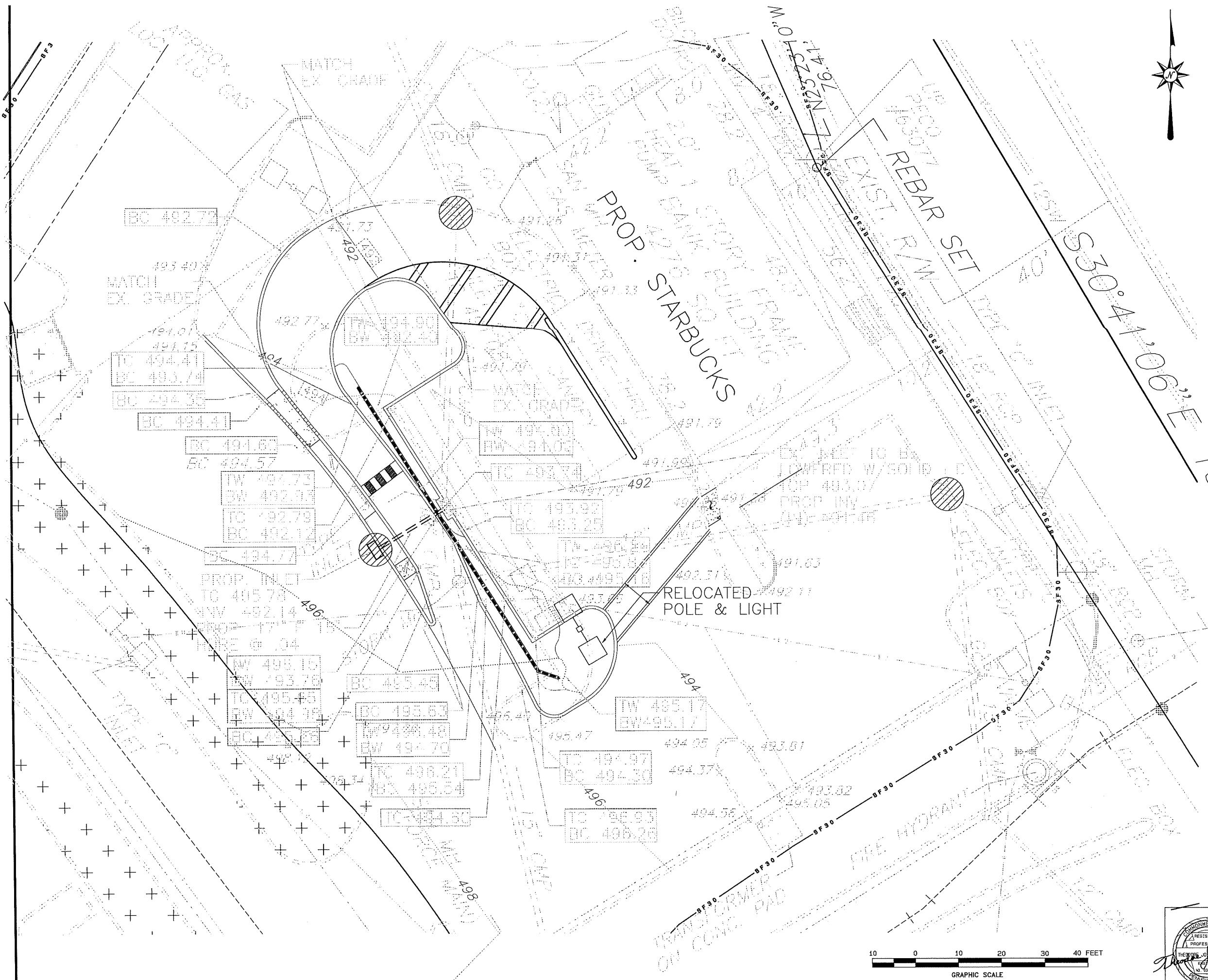
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DRIVEN = C.E.

Checked - A.E.

Sheet - 2 OF 4



INLET PROTECTION

## EROSION & SEDIMENTATION CONTROL PLAN

LAND DEVELOPMENT PLAN  
OF  
STARBUCKS AT EAGLEPOINTE VILLAGE  
PREPARED FOR  
J. LOEW ASSOCIATES, INC.  
UPPER UWCHLAN TOWNSHIP  
CHESTER COUNTY, PA.

Edward B. Walsh & Associates, Inc.  
CIVIL ENGINEERS & SURVEYORS

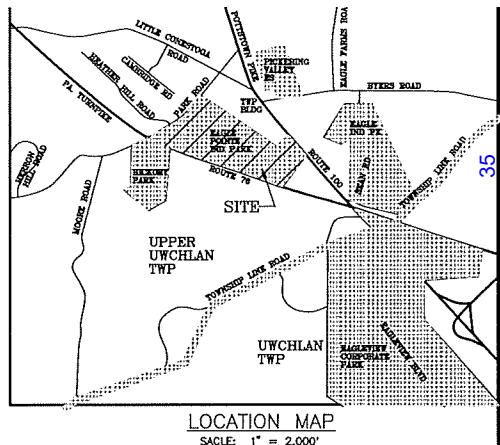
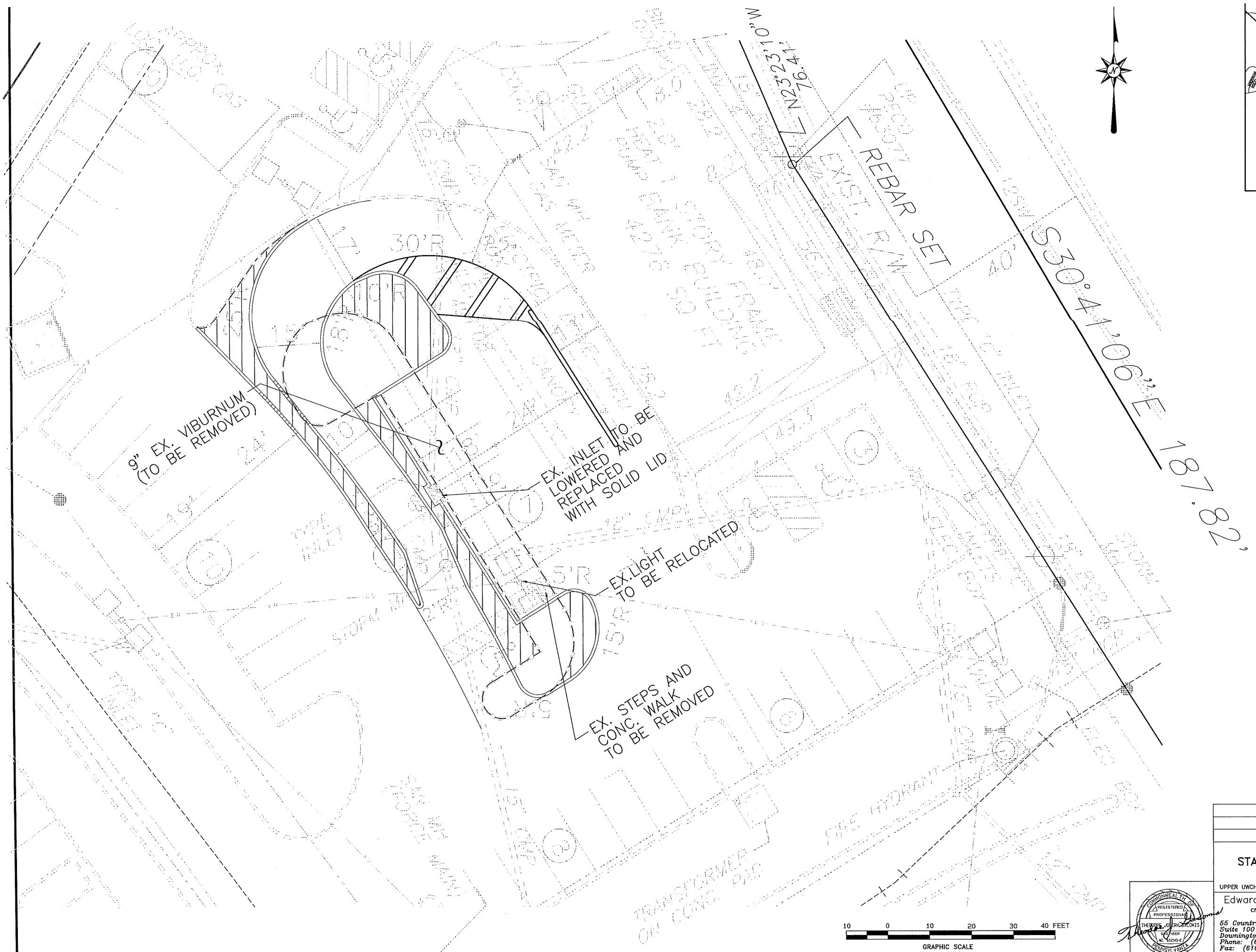
65 Country Club Drive  
Suite 100  
Downington, Pennsylvania 19335  
Phone: (610) 518-1360  
Fax: (610) 518-1255



Project- 1700  
Date- 9-18-19  
Scale- 1" = 10'  
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Checked- A.E.  
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Ver- -



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## DEMOLITION PLAN

Edward B. Walsh & Associates, Inc.

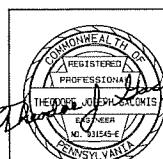
CML ENGINEERS & SURVEYORS

55 Country Club Drive  
Suite 100  
Downington, Pennsylvania 19335  
Phone (610) 512-1222

Phone: (610) 518-1360  
Fax: (610) 518-1255

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GRAPHIC SCALE

KRISTIN S. CAMP, ESQUIRE  
THOMAS F. OESTE, ESQUIRE  
BUCKLEY, BRION, McGUIRE,  
& MORRIS LLP  
118 West Market Street, Suite 300  
West Chester, Pennsylvania 19382  
(610) 436-4400

SOLICITOR FOR  
UPPER UWCHLAN TOWNSHIP

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**IN RE: CONDITIONAL USE : BEFORE THE BOARD OF SUPERVISORS  
APPLICATION OF : UPPER UWCHLAN TOWNSHIP  
EAGLE RETAIL ASSOCIATES, LP  
EAGLEPOINT VILLAGE  
SHOPPING CENTER (STARBUCKS)**

**DECISION AND ORDER**

Eagle Retail Associates, LP (“Applicant”) is the owner of a property known as the Eaglepointe Village Shopping Center located between Pottstown Pike and Little Conestoga Road on the northeast side, and Ticonderoga Boulevard on the southwest side, Chester County Tax Parcel No 34-4-38.11 (the “Shopping Center”). The Shopping Center is developed with a row of retail stores anchored by an Acme supermarket and several pad sites containing various uses. The property is located in the C-1 Village District.

Applicant filed a conditional use application (the “Application”) dated April 23, 2019 with the Board of Supervisors of Upper Uwchlan Township (the “Board”) seeking approval pursuant to Section 200-33.B.(5) of the Upper Uwchlan Township Zoning Ordinance of 1989, as amended (the “Zoning Ordinance”) to permit an individual retail store, shop or establishment with drive-thru service, specifically a Starbucks Coffee Shop. The Township Zoning Officer determined and the Board concludes that a Starbucks Coffee Shop with drive-thru service is a permitted conditional use in the C-1 Village District by Zoning Ordinance Section 200-33.B.(5) as an individual retail store, shop or establishment with drive-thru service. *See Exhibit A-7.*

The proposed Starbucks will be located on a pad site improved with a vacant building previously occupied by Key Bank (the “Pad Site”). The Pad Site is located along the eastern side of the Shopping Center, immediately adjacent to Simpson Drive and Pottstown Pike, and depicted as Pad 3 and Pad 4 and associated parking on Exhibit A-2. The proposed Starbucks for which the Applicant seeks conditional use approval of is depicted on ten (10) plan sheets marked as Exhibit A-3 as modified by a Site Sketch marked as Exhibit A-4 (the “Project”).

The Board conducted a public hearing on June 11, 2019 (the “Hearing”) to consider the Application. Public notice of the hearing was advertised in the *Daily Local News* on May 28, 2019 and June 4, 2019. *See Exhibit B-2.* The Property was posted pursuant to the requirements of the Pennsylvania Municipalities Planning Code (“MPC”). *See Exhibit B-3.*

Board Chairman Guy Donatelli, Vice Chair Sandy D’Amico and Supervisor Jamie Goncharoff attended the Hearing and participated in the Board’s deliberations. The Board was represented by Thomas F. Oeste, Esquire from Buckley, Brion, McGuire & Morris LLP, Township Solicitor. Applicant was represented by Timberlake M. Townes. Mr. Donald Carlson, 9 Buck Drive, Glenmoore, PA was granted party status at the Hearing without any objection from Applicant.

The testimony was recorded by Maria Lairdieson O’Neill, RPR. The record in the Application consists of the transcript of the stenographic notes taken by Ms. O’Neill at the Hearing and the following documentary exhibits admitted into evidence (the “Record”).

### **Board Exhibits**

B-1: Conditional Use Application dated April 22, 2019

B-2: Proof of Publication in the *Daily Local News* on May 28, 2019 and June 4, 2019

B-3: Affidavit of Posting dated May 22, 2019

B-4: Correspondence dated June 5, 2019 from Gilmore & Associates, Inc.

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B-5: Corrected Conditional Use Decision dated July 17, 2000

B-6: Upper Uwchlan Township Planning Commission Draft Minutes dated May 9, 2019

### Applicant's Exhibits

A-1: Application Package dated 4/22/19 to Upper Uwchlan Township for Conditional Use Hearing to permit a drive-thru facility pursuant to Section 200-33.B(5) of the Upper Uwchlan Township Zoning Ordinance.

A-2: Copy of the Recorded Land Development Plan and Grading/Utilities Plan for the Eaglepointe Village Shopping Center, Recorder of Deeds date stamp of December 31, 2001.

A-3: Schematic Design Package for Eagle, Pa (MidAtlantic) dated 3/23/18

A-4: Escape Lane Plan prepared for Starbucks, Eagle Pa by Kimley Horn dated 6/10/19

A-5: Reduction in impervious coverage sketch plan

A-6: Water Reduction Estimates Worksheet

A-7: Email re: Zoning Officer's opinion

The Board concludes that the Applicant has proven entitlement to use of the Pad Site for a retail store with drive-thru service, subject to compliance with the conditions of approval set forth hereinbelow. This Decision and Order grants only zoning conditional use approval in accordance with its express terms. Nothing contained in this Decision and Order shall be construed to abrogate or limit the obligation of the Applicant to comply with the applicable requirements of the Zoning Ordinance and Township Subdivision and Land Development Ordinance. Applicant shall apply for and obtain land development approval for the Project. Except as expressly augmented and clarified by the conditions hereinbelow, the Property and Project shall be used and developed in accordance with all of the otherwise applicable laws, ordinances, standards, specifications, resolutions and regulations of the Township and of all other agencies or authorities with

jurisdiction over the Property and the proposed use (the “Applicable Law”). Any proposed use of the Property and Project different in any aspect from the Applicant's proposal which requires a modification of the terms and conditions of this Decision and Order or relief within the jurisdiction of the Board will require application to and approval from the Board.

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The Board grants the Application subject to strict compliance with the following conditions. Compliance with the conditions shall be demonstrated during review of and decision on the land development application and plan and shall be determined by the Board. The Board shall resolve any conflict or inconsistency between any condition, between any condition and Applicable Law or between any condition and the Record.

1. Applicant and its successors and assigns in interest to the Shopping Center property shall be strictly bound by this Decision and Order.

2. To the extent not inconsistent with any of the specific conditions of approval, Applicant shall comply with and the Starbucks Coffee Shop shall be operated in substantial conformance with the representations and commitments made in the Record.

3. The use of Pad Site 4 shall be a Starbucks Coffee Shop with one (1) drive-thru service lane and window as generally depicted on Exhibit A-3, Schematic Design Package, as modified by Exhibit A-4, Site Sketch. The final configuration of the drive-thru stacking lane and bypass lane, and the number of stacking spaces, shall be determined during the land development review.

4. All drive-thru stacking of vehicles shall be located on the Pad Site. Stacking and queuing of vehicles shall not extend into the Shopping Center drive aisles, Simpson Drive or Pottstown Pike. To the extent necessary after opening for business, Applicant shall modify the drive-thru stacking layout to prevent off-site stacking and queuing of vehicles.

5. The land development plan shall depict an area for loading and unloading; and turning templates for ingress and egress by delivery vehicles to and from the Pad Site. All deliveries shall occur during hours when the Starbucks is not open for business. Loading and unloading may occur in designated parking spaces and drive aisles as long as loading and unloading occurs during non-business hours.

6. The land development plan shall be reviewed for emergency access and be subject to approval by Township emergency service providers.

7. The Applicant shall demonstrate during land development that the number of parking spaces required by Zoning Ordinance Section 200-73.H.(3) for the Starbucks use are provided on the Pad Site and in the parking area across the drive aisle immediately to the west of the Pad Site, described at the Hearing as the Acme lot.

8. Employees of the Starbucks store shall be required to park in the Acme lot if deemed necessary by the landlord or Township. Starbucks shall require all employees to park in the Acme upper lot within seven (7) days of Starbuck's receipt of a written request by the Township or landlord.

9. If after a minimum period of ninety (90) days from the Starbucks opening for business, the Township observes any queuing or stacking of vehicles which occurs out into the Shopping Center drive aisles, Simpson Drive or Pottstown Pike (as prohibited by Condition #4 above), then the Township may require that the Applicant perform a traffic study. The study shall be completed by a qualified traffic engineer and the scope of the study shall be approved by the Township traffic consultant. To the extent feasible, the Applicant shall make modifications to

Simpson Drive, the Shopping Center drive aisles and internal circulation as may be recommended by the study or required by the Township traffic consultant.

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10. The Applicant shall comply with the comments, requirements and recommendations of McMahon Associates, Inc., Township Traffic Consultant, set forth in Paragraphs III, items 4 through 7, of Exhibit B-4.

11. The Applicant shall comply with the comments, requirements and recommendations of Arro Consulting, Inc., Township Sewer Consultant, set forth in Paragraph V, items 1 and 2, of Exhibit B-4.

12. The land development plan shall include a comprehensive signage plan for the Pad Site, that includes but is not limited to restricting parking on the Pad Site to customers of Starbucks and Eagle Formal Wear (or subsequent tenant), informational signage for additional parking in the Acme lot and signage prohibiting vehicles waiting for drive-through service from standing or stopping in the Shopping Center drive aisles, Simpson Drive or Pottstown Pike. The signage plan shall be reviewed by the Township Historical Commission for recommendations relative to sign area, height and lighting.

13. The Applicant shall continuously maintain the existing pedestrian cross-walk from the Pad Site to the Acme lot (located at the southwest corner of the Pad Site as depicted on Exhibit A-2) to accommodate pedestrian movement to and from parking in the Acme lot. The cross-walk shall be adequately lit during Starbucks business hours.

14. The Applicant shall notify the Board by correspondence or electronic mail delivered to Cary Vargo, Township Manager, within 10 days of the Date of Decision set forth hereinbelow, its full and complete consent to the conditions specified herein above or the

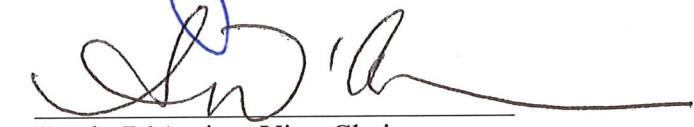
Application is denied; the Board expressly finding and concluding that the Application, in the absence of compliance with the said conditions, is inconsistent with or in violation of the standards, criteria, purposes and policies codified in the Zoning Ordinance. In the event the conditions are not accepted in full or an appeal is taken, the Board retains jurisdiction and shall supplement this Decision and Order with Findings of Fact and Conclusions of Law in support of the denial of the Application.

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ADOPTED at a duly-advertised public meeting of the Board this 24<sup>th</sup> day of July 2019.

**BOARD OF SUPERVISORS  
UPPER UWCHLAN TOWNSHIP**

  
Guy Donatelli, Chair

  
Sandy D'Amico, Vice-Chair

  
Jamie Goncharoff, Supervisor



## SUBDIVISION / LAND DEVELOPMENT APPLICATION

Preliminary Submittal

Final Submittal

The undersigned hereby applies for review of the Plan submitted herewith and described below:

1. Name of Subdivision / Development: DSM BIOMEDICAL
2. Plan Dated: October 2, 2019 County Deed Book/Page No. 6238/193
3. Name of property owner(s): KENSEY NASH CORPORATION  
(DSM BIOMEDICAL)  
Address: 735 PENNSYLVANIA DRIVE, EXTON  
State/Zip: PA / 19341 Phone No.: 484-73-2100 EXT. 2238  
Email: ROB.HARRIS@DSM.COM
4. Name of Applicant (If other than owner):  
\_\_\_\_\_  
Address: \_\_\_\_\_  
State/Zip: \_\_\_\_\_ Phone No.: \_\_\_\_\_  
Email: \_\_\_\_\_
5. Applicant's interest (If other than owner): \_\_\_\_\_
6. Engineer, Architect, Surveyor, or Landscape Architect responsible for Plan.  
CHESTER VALLEY ENGINEERS, INC. (JOHN M. HAKO, P.E.)  
Address: 83 CHESTNUT ROAD, P.O. BOX 447  
State/Zip: PA / 19301 Phone No.: 610-644-4623 EXT: 191  
Email: JHAKO@CHESTERV.COM
7. Total acreage: 18.51 Number of Lots: 1
8. Acreage of adjoining land in same ownership: (If any) 5.122
9. Describe Type of Development Planned: PRE-MANUFACTURED BUILDING, CURB RAMP, SIDEWALK, STORM DRAINS (NEW IMPERVIOUS SURFACE IS LESS THAN 1000 SF)

10. This Application shall be accompanied by: the Application Fee as listed below, an aerial image of the property, and the quantity of plans/supporting information as detailed in the Township Code §162-8.B.(1)(b) and/or §162-8.C.(1)(d).  
[One-half of the required plan submissions may be of a reduced size, i.e. 11 x 17]

11. List all subdivision and zoning standards or requirements which have not been met and for which a waiver or change is requested.

FOR CONCURRENT APPROVAL OF PRELIMINARY LAND  
DEVELOPMENT AND FINAL LAND DEVELOPMENT PLAN.

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12. The Applicant or his/her agent shall enter into a Subdivision / Land Development Review Escrow Agreement (attached) and place into escrow with the Township at the time of application an amount estimated by the Township to cover all costs of engineering and professional planning reviews (not including County application fee), legal services and other professional services used by the Township in connection with the application.

Signature of Property Owner or Applicant:

By: Bob Haveris  
Date: 10/2/19

\*Development subject to ACT 209 Impact Fee.

\*Park & Recreation Fee per residence is levied. Contact Township Offices to determine amount.

### **SUBDIVISION / LAND DEVELOPMENT APPLICATION FEE**

1-2 Lots ..... \$250

3-5 Lots ..... \$500  
Plus \$25 for each Lot over 3

Over 5 Lots ..... \$1000  
Plus \$50 for each Lot over 5

Form revised January 2015







UPPER UWCHLAN TOWNSHIP  
 Planning Commission Meeting  
 September 12, 2019  
 6:00 p.m. Work Session  
 7:00 p.m. Meeting  
 Minutes  
**DRAFT**

LOCATION: Temporary Township Administration Office  
 415 Eagleview Boulevard, Suite 116, Exton, PA 19341

In Attendance:

Bob Schoenberger, Chair, Sally Winterton, Vice-Chair, Bob Davidson, Brett Hand, Jim Dewees, Jim Shrimp, Joe Stoyack, Sandy Diffendal, substituting for Gwen Jonik, Planning Commission Secretary

Invited Guests:

John Theilacker and Sarah Sharpe, Brandywine Conservancy, Township Planners

Bob Schoenberger called the Work Session to order at 6:06 p.m.

Existing Lighting Ordinance

Review and Discussion

There was a recommendation made that the existing Lighting Ordinance should be redone to include the recommendations of Stan Stubbe, Township Lighting Consultant. Bob Schoenberger suggested this subject be moved to the 'New Business' session to make it a formal issue. Since there was no 'New Business' session on the agenda, everyone agreed to move it to the 'Open Session'.

Existing Adaptive Reuse of Historic Structures Ordinance

John Theilacker and Sarah Sharp were back to see if the Planning Commission was ready to recommend the changes to the Adaptive Resource of Historic Structures Ordinance to the Board of Supervisors. Bob Schoenberger asked if the survey was completed. Sarah explained that they used the existing 2001 and 2008 surveys to do a GIS analysis. They did not go out and do a personal survey, and there were no survey forms found for the additional 55 resources. Bob said they did not have the time at last month's meeting to go over the changes thoroughly. Sarah said that Stephanie went over it with the Historical Commission, not the Planning Commission.

There were 5 recommended 'Next Steps for Township Consideration' brought up at the August Planning Commission meeting.

- Send the edits of the Adaptive Reuse Ordinance to the Historical Commission for final review and recommendation.
- Present the edits of the Adaptive Reuse Ordinance to the Planning Commission.

These two recommendations were completed.

The three remaining to be worked on are:

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- Finalize and adopt the Adaptive Reuse Ordinance, understanding the ordinance has limitations on protections to historic resources.
- Update the Township's historic resource inventory for a complete and full list.
- Based on the findings of the survey, develop a full Historic Preservation Ordinance that is appropriate to the needs of the Township.

The Historical Commission added items to ensure that anything related to the adaptive reuse goes thru the Historical Commission, and have more properties reviewed by the Historical Commission, not necessarily only adaptive reuses.

Joe Stoyack recommended that the issue go to the Board of Supervisors, but Bob Schoenberger was not ready. The Planning Commission would like to see a list of properties to which the adaptive resource ordinance would apply. The next step would be to update the historic resources inventory. Also recommended that a comparison should be done to ensure that the Adaptive Resource Ordinance is comparable to that of the Village District C-1. Most of the historic structures are in the C-1 district. A question arose that perhaps the Adaptive Resource Ordinance could only be used in a Conditional Use for residential. Everyone agrees that they are trying to prevent developers from knocking down historical structures and building apartment complexes.

Should residential be in a commercial district? The Planning Commission agreed it should be mixed use and make it Conditional Use. Jim Shrimp stated that a major overhaul of Codes and Zoning ordinances is needed. Brandywine Conservancy will compare C-1, Historic District and the Village to ensure there are no conflicts. Brandywine Conservancy left at 6:45

Regarding the Solar Energy Ordinance, it was agreed that it needs a lot more than just deleting a few things. Joe Stoyack wrote the original ordinance and is willing to work with the Township staff to develop a new ordinance. It was agreed that there is no rush and Bob Schoenberger told Joe that he should take his time and do it right. There is more discussion needed, both technical and legal.

The Work session was adjourned at 7:00 PM.

Bob Schoenberger called the Planning Commission Meeting to order at 7:03 PM.

Bob Dwyer and Alyson Zarro were in attendance.

#### Byers Station 5C Commercial Lot 2 – Revised Alternate Plan

Bob Dwyer and Alyson Zarro requested that the Planning Commission recommend the revised plan to the Board of Supervisors for approval. Bob Dwyer stated that the retail could be increased from 13,000 square feet to 15,000 square feet. The Planning Commission agreed. Bob Dwyer offered to have his retail associate come to the next meeting to talk with the Planning Commission and explain the process required to attract retail to a development. All agreed that would be a good idea.

Bob Dwyer stated that the fact that there is no drive thru for a bank or coffee shop, and no anchor store is a deterrent to other retailers.

Jim Dewees asked if there was a tot lot planned? Bob Dwyer stated that is not in the Lot 2A/2B area, but there is one in the Toll part. It would be a long walk.

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There are 10 on-street parking spots planned. Since it is private property, Township police have no jurisdiction there. Bob Dwyer said police can still go in and enforce the law. Alyson stated that there is a process for police to be involved in an area where an HOA has its own rules and regulations. Bob Dwyer said the Township will have to decide if they will allow township police to patrol that area.

Joe Stoyack asked if the Planning Commission would make a motion to provide their recommendation to the Board of Supervisors. The motion carried with three (3) in favor - Hand, Stoyack, Shrimp; two (2) opposed – Schoenberger, Dewees; two (2) abstentions – Winterton, Davidson.

#### OPEN SESSION

#### The Existing Lighting Ordinance:

There was a motion to include Stan Stubbe's comments from his July 26, 2019 letter into the existing ordinance so the Planning Commission can review. Sally seconded the motion.

Jim Shrimp suggested taking it out of SALDO and putting into the Zoning Ordinance. Sally edited the motion to have Stan Stubbe's comments incorporated into the existing ordinance and move it from SALDO to Zoning. Jim Shrimp 2<sup>nd</sup>. All were in favor.

Joe Stoyack will rework the existing Alternative Energy Ordinance since he drafted it originally. He will request assistance from the Township Solicitor and Township staff and then present a draft to the Planning Commission for review. All were in favor.

The minutes of the August 8<sup>th</sup> meeting were discussed. In the minutes, there were 3 requests from the Planning Commission. Under #2, Joe Stoyack questioned some of the section of the Zoning Ordinance 200-73.K.

#### Approval of Minutes

Joe made a motion to approve the minutes of the Planning Commission's August 8, 2019 meeting as amended. Sally seconded. All were in favor.

#### Adjournment

Bob Schoenberger adjourned the meeting at 7:50 PM.

Respectfully submitted,

Sandra M. Diffendal  
Finance, HR