



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

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:

- 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.

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 Zoning Ordinance Section 200-73.K. regarding off-site parking requirements. *The Township Solicitor's opinion of the Section follows:*

*"ZO Section 200-73.K regulates Modifications to parking requirements.*

*200-73.K(2) permits a conditional use applicant to request parking modifications.  
(K)5) regulates off-site parking and permits modifications 'subject to consideration'  
of certain issues – not mandatory.*

*(k)(5)(a) is a discretionary provision that provides that a site plan may be required showing  
perpetual joint use by contiguous property owners. This is meant to address a permanent  
arrangement where two contiguous properties have a common (joint use) parking lot.*

*There is no mandatory requirement for the off-site parking to be contiguous or perpetual.  
200-73.K(2) cited above gives broad discretion to the Board of Supervisors to permit  
Off-site parking arrangements."*

#### 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