



UPPER UWCHLAN TOWNSHIP  
PLANNING COMMISSION  
**REVISED** AGENDA  
**May 12, 2022**

6:00 p.m. – Work Session  
7:00 p.m. -- Meeting

**LOCATION**

Upper Uwchlan Township Building  
140 Pottstown Pike, Chester Springs PA 19425

6:00 p.m. Work Session

Discuss ordinances relating to parking, shared parking in the Village of Eagle,  
F-1 and F-2 Flexible Development Overlay Districts

7:00 p.m. Meeting

- I. Call To Order
- II. Byers Station Parcel 5C Lot 2B Commercial Lot ~ Amended Final PRD Plan  
Review consultants' comments.
- III. F-1, F-2 Flexible Development Overlay Districts Ordinance Amendment  
Consider eliminating the Overlay Districts; make a recommendation  
to the Board of Supervisors
- IV. Discuss Planning Commission Liaisons to the Historical Commission,  
Environmental Advisory Council
- V. Approval of Minutes: April 14, 2022 Meeting
- VI. Next Meeting Date: June 9, 2022 7:00 p.m.
- VII. Open Session
- VIII. Adjournment



May 5, 2022

File No. 03-0434.07

Mr. Tony Scheivert  
Upper Uwchlan Township Manager  
140 Pottstown Pike  
Chester Springs, PA 19425

Reference: Parcel 5C (Byers Station) – Lot 2B  
Amended Final PRD Plans – First Review  
Upper Uwchlan Township, Chester County, PA

Dear Tony:

Gilmore & Associates, Inc. (G&A) is in receipt of the following documents from Bohler Engineering, unless otherwise noted:

- Plan set consisting of thirty-five (35) sheets titled “Byers Station Amended Final PRD Plans – Final Plan for Lot 2B of Parcel 5C” dated March 15, 2022.
- Report titled “General Project Description and Stormwater Management Calculations” dated March 25, 2019, last revised March 15, 2022.
- Byers Station - Parking Analysis, prepared by TPD, dated March 30, 2022
- Cover letter from Alyson Zarro, RRHC, dated March 15, 2022

G&A, as well as the other Township Consultants, have completed our first review of the above referenced Amended Final Plans for compliance with the Conditions of Tentative Approval Byers Station PRD, Township Zoning Ordinance, Subdivision and Land Development Ordinance, as well as the Stormwater Management Ordinance, and wish to submit the following comments for consideration.

## **I. OVERVIEW**

The subject parcel is located at the northeastern corner of the intersection of Station Boulevard and Pottstown Pike. The tract is approximately 29.8 acres in size and is located in the R-4 Residential District and C-1 Village District, being developed under the Planned Residential Development Option as set forth in the Byers Station conditions of tentative approval. The parcel was subdivided into three lots; Lot 1, Lot 2A, and Lot 2B. Lots 1 and 2A consisting of 16.353 acres and 9.468 acres respectively, are currently under residential construction. This

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Gilmore & Associates, Inc.  
Building on a Foundation of Excellence  
[www.gilmore-assoc.com](http://www.gilmore-assoc.com)

application is for Lot 2B which is 3.971 acres in size and is proposed to be developed as follows:

- 10,500 SF Day Care Facility
- 13,200 SF Retail Space
- 1,820 SF Drive-Thru Restaurant

The associated parking to support the uses will also be provided. Stormwater management will be handled via two (2) bioretention basins along the eastern ends of the property which have already been constructed during the previous phases of the project.

## **II. CONDITIONS OF TENTATIVE APPROVAL BYERS STATION PRD**

1. Paragraph B.3.(f). requires a break in the façade after a maximum length of 150'; the proposed day care center does not appear to comply with this requirement.
2. The plans should be revised to give an indication of the proposed signage to confirm compliance with paragraph B.3.(l).
3. Paragraph J.8. indicates at the discretion of the Board of Supervisors, the amount of required parking may be reduced contingent upon submission of a parking study which supports the reduction. A Parking Analysis has been submitted which provides justification for the reduction. We defer to The Township Traffic Engineer with regard to this matter. However, even if it is determined the reduced parking is permissible, the plans should be revised to generally document the analysis used to arrive at the conclusion.

## **III. ZONING ORDINANCE REVIEW**

1. §200-74.B., §200-73.B(2)(b) and §200-76.A(1). – Clarify where off-street loading and unloading is proposed.
2. §200-76.A(3) – Please provide a profile for the access from Pottstown Pike.

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

1. §162-7.C(2)(a)[6]. and §162-47.A(1) – Clarify the monumentation on the plan represented with a dark circle symbol, as the dark square symbol is identified as a proposed concrete monument. Concrete monuments are required at changes in directions of lines in the boundary (perimeter) of the property.

2. §162-7.C(2)(a)[9]. – Provide the HOP Permit Number on the plan for the proposed access to Pottstown Pike.
3. §162-9.2(a)[7]. – Provide bearings and distances for the proposed variable width driveway cross access easement and a legal description.
4. §162-39. – Details are provided for concrete curb and for Belgian block curb. Clarify where Belgian block curbing is proposed. If Belgian Block, a waiver is technically required.
5. §162-40.D – Street name signs shall be installed at all street intersections. If the proposed access to Pottstown Pike is to be considered an extension of Iris Lane, street signs should be provided indicating same.

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

The applicant has submitted an addendum to the initial stormwater management report which documents that the development of Lot 2B does not alter the stormwater management design for the original drainage area. Additionally, the previously approved stormwater design included 103,038 square feet of impervious cover for Lot 2B, whereas the amended plans propose 97,075 square feet of imperious cover. This reduction in impervious cover will result in a less runoff and therefore, no basin modifications are necessary.

There is an active NPDES permit for the site. The plans indicate an “Area of 2022 Minor Amendment Disturbance = 3.96 Ac.” Please confirm whether or not the referenced amendment to the NPDES permit has been submitted to the Conservation District.

#### **IV. GENERAL COMMENTS**

1. The current design does not provide for rear access to the day care center as well as the retail units which back up to Pottstown Pike. This should be reviewed by the Township Fire Marshall for acceptability.
2. Inlet 217 (Installed previously; not labeled on the plan) should be indicated to be removed as it will be in conflict with the proposed grading.
3. The sidewalk along Begonia Drive has been already constructed with a 5' grass verge. The plans should be revised to indicate this.

4. Revise the year in the acknowledgements / certifications on Sheet 1.
5. Provide the geotechnical report referenced in several notes on Sheet 2.
6. Revise last sentence in General Note #18 to specify the Design Engineer.
7. Add a note to the plan specifying who the grantor and grantee are for the proposed variable width driveway cross access easement as well as what rights / prohibitions this easement grants users.
8. We would recommend better pedestrian access be provided to the northern end of the proposed retail stores.

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

1. As indicated in General Note 41 on sheet C-102, the applicant is responsible to complete a traffic count at the intersection of Graphite Mine Road and Station Boulevard after construction and full-occupancy of Lot 2B to determine the need for left-turn phasing, and if needed, the applicant will modify the traffic signal to add the left-turn phase. The applicant should contact the Township and our office prior to completing the traffic count to determine the scope of the left-turn phasing evaluation.
2. ZO Section 200-73.F – The plan does not meet the parking supply requirements for the specific land uses contained in Section II.J Parking of the Conditions of Tentative Approval; however, Subsection II.J.8 reads: “At the discretion of the Board of Supervisors, a reduction in the sum total of the required parking is permitted if there are efficiencies derived by shared parking for uses which have complementary peak demands. The Applicant will submit parking generation data based on current and accepted methodology, such as that published by the Urban Land Institute, or from actual parking studies for the review and approval by the Board of Supervisors.” Therefore, there is an option in the conditions of approval that allow for the parking to be calculated alternatively using other data sources, which is the approach the applicant is using with this proposal. The plan proposes 131 parking spaces, including 15 parking spaces in the immediate vicinity of the fast-food restaurant. Based on the results of the submitted shared parking analysis, the total combined peak parking demand for the mix of uses on the site is 93 parking spaces, which is less than the 131 proposed parking spaces, and therefore, the proposed parking supply is sufficient overall. Since there are only 15 parking spaces in the immediate vicinity of the fast-foot restaurant, we recommend a better pedestrian connection between the main parking area to the south

of the east/west access drive and the fast-foot building. In addition, the parking study recommends the fast-food restaurant employees should park in the larger parking lot south of the east/west access drive to allow the 15 parking spaces in the vicinity of restaurant open for customers.

3. Since only 15 parking spaces are provided in the vicinity of the proposed fast-food restaurant, it is likely that employees and patrons of the restaurant will park in the larger parking lot on the south side of the east/west access drive and walk to the restaurant. As such, we recommend a pedestrian crossing of the east/west access drive at the internal access intersection, including ADA compliant pedestrian curb ramps, a crosswalk, and advance pedestrian warning signing.
4. Provide sidewalk and a continuous pedestrian along at least the south side of the east/west access drive and the north/south access drive.
5. Per the 2019 Lot 2 Decision and Order, provide additional information regarding the specific restaurant user in order to confirm the number of needed drive through stacking spaces. Also, it is noted that previous versions of the plan provided a longer bypass lane, which should be considered as part of the current design if feasible.
6. The delivery truck and trash truck circulation plans appear to show several places where the vehicle will cross outside the proposed curbline or into proposed parking spaces. Please revise the plans to remove the conflicts in these areas. Also, please verify the size of the anticipated delivery truck for the proposed uses.
7. Provide an interior sign at the western restaurant driveway that indicates "To Route 100 Northbound Only".
8. The applicant and the applicant's engineer should ensure all proposed pedestrian facilities are ADA compliant as appropriate. Also, please label the ADA ramp type for each curb ramp.
9. Provide a crosswalk across the drive through entrance to connect the ADA ramps.
10. Please verify if an ADA ramp is needed at the west end of the sidewalk located along the south side of the restaurant. Also please verify the ADA accessible route between the handicapped parking spaces and the restaurant entrance.
11. 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. Additional comments regarding the traffic improvements and/or land development plans may follow upon receipt of future submissions.

**VI. TOWNSHIP PLANNING CONSULTANT COMMENTS**  
**BRANDYWINE CONSERVANCY**

The property is the remaining portion of the existing 29.79-acre tract located at Graphite Mine Road and Station Boulevard, known as Parcel C. The existing tract was subdivided into two lots with Lot #1 containing townhomes and previously approved by the Township, and Lot #2 subdividing further into Lots #2A and #2B. Lot#2A was approved by the Township to contain townhomes. Lot #2B (UPI. 32-4-1090.1), along Station Boulevard, subject to this application, consists of 3.971 acres and is proposed to contain 25,520 square feet of commercial space. The lot is located in C-1 Village District and in the Planned Residential Development (PRD) Overlay. The subject lot is currently undeveloped.

The Applicant proposes to amend the Final Plan titled “Amended Final PRD Plans for Byers Retail Acquisition, L.P. – Final Plan for Lot 2A and Lot 2B of Parcel 5C” prepared by Bohler Engineering dated March 25, 2019, and last revised August 16, 2019, which was approved by the Board of Supervisors on October 14, 2019. The approval was for two (2) commercial pad sites for a mixture of retail, restaurant and office uses; however, the approved 2019 Plan has not been recorded.

The Applicant proposes to amend the 2019 Plan to include the development of one (1) freestanding drive-thru restaurant (1,820 sq.ft.), two (2) freestanding commercial pad sites and a separate building containing a daycare center (10,500 sq.ft.) with an outdoor play area (5,500 sq.ft.), and shared parking serving all uses. Commercial pad sites are proposed to include 6,000 sq.ft and 7,200 sq.ft. of retail space respectively.

**Comprehensive Plan (2014)**

The proposed commercial use is consistent with the vision for future land use as articulated in the Upper Uwchlan Township Comprehensive Plan. The amended commercial development is within the Village of Eagle/Byers Concept Plan (2014) and the Village Design Guidelines for Upper Uwchlan Township (2011), which had been identified as an implementation priority in the Plan (p. 27). The Village Concept Plan serves as a guide for balancing village growth and redevelopment with the preservation of the existing economic, social, and cultural services offered within the village. At the time of the Comprehensive Plan Update, the subject property was under the review before the Township with a proposed PRD for townhomes and retail space. The lot, subject to this application, is a part of a “Parcel C” in the Village Concept Plan, which was envisioned to have specific characteristics, including but not limited to a mixture of

retail shops, restaurants and offices, safe internal pedestrian circulation with connections to Eagle and Byers, and Pottstown Pike streetscape enhancements (p.35).

The amended development is somewhat consistent with the vision for the Village Concept Plan. We recommend that the Township requests the applicant to consider connecting proposed concrete sidewalks in front of the proposed buildings to existing sidewalks and/or trails (as feasible) to provide an efficient pedestrian connection between retail buildings, day care center and a restaurant, adjacent neighborhoods, and to a park across Station Boulevard. Additionally, as per Village Design Principles (p.37), 10-foot-wide sidewalks are recommended to encourage walking, specifically when shared parking is being considered for all uses.

#### Community Trails Master Plan (2005)

The Community Trails Master Plan (2005) has identified several destinations in the vicinity of Parcel C that are envisioned to be connected by a trail network. Those destinations are Upland Farms across Pottstown Pike, Pickering Valley Elementary School and Eagle Village on the southern side of proposed development. Again, we recommend that the proposed development provides pedestrian connections to the existing trail network that ties into those destinations.

#### Zoning Ordinance

1. The proposed development includes several sidewalks along the entrance to the proposed buildings. Pursuant to §200-71.D.(4), a pedestrian pathway system shall be included throughout the development with a combination of sidewalk, pathways and trails that provide reasonable access to all neighborhoods, shopping, recreation or other destinations. The proposed sidewalk that abruptly ends at the trash enclosure by proposed retail store on the southern side of the development can be extended to connect to the existing walking trail. The proposed sidewalk that abruptly ends in front of the proposed retail store on the northern end of the development can be extended to provide a pedestrian connection to the eating establishment.
2. The Plan indicates the height of proposed buildings to be less than 3 stories. As per Resolution #07-06-99-09 for a tentative approval for Byers Village subdivision granted by the Board of Supervisors, as it relates to Parcel C, one of the conditions is that pad sites shall be designed with 1.5 or 2-story buildings with no flat or faux-mansard roofs (Section II.B.3.e). We recommend that the Township verifies that the applicant meets those conditions and indicate so on the Final Plan.
3. As per Resolution #07-06-99-09 for a tentative approval for Byers Village subdivision granted by the Board of Supervisors, as it relates to Parcel C, one of the conditions is

that building mass shall be broken through façade off-sets of at least ten feet or roofline changes, with a maximum single façade length of 150 feet (Section II.B.3.f). The proposed buildings' facades are longer than noted maximum. We recommend for the Township to review that condition to decide on a permitted length of buildings' facades.

4. The proposed outdoor play area is fenced in on all sides. We recommend the Township requests the applicant to indicate the height of the proposed fence to show compliance with §200-64.C.
5. We recommend that the applicant includes the note on the Plan that states that the proposed day-care center shall be licensed by the applicable departments of the State of Pennsylvania and their regulations as noted in §200-64.E.
6. Considering the extent of proposed retail use and location of façade of the retail buildings, we recommend that the Township requests the applicant to show compliance with loading and unloading regulations (§200-74) to ensure that there is no conflict with day-care center discharge and pick-up locations. We also recommend for the areas of loading/unloading to be depicted on the Plan.

## **VII. TOWNSHIP SEWER CONSULTANT COMMENTS**

### **ARRO CONSULTING, INC.**

1. The sanitary sewer capacity needs need to be determined for this project. Pennsylvania Department of Environmental Protection (PADEP) issued sewage facilities planning module (SFPM) approval on January 7<sup>th</sup>, 2020 in the amount of 12,872 gallons per day (GPD) for Lots 2A and 2B of which 2,697 GPD was allocated for Lot 2B. The proposed building uses have changed since that SFPM approval, as such, estimated usage calculations need to be provided based on similar facilities for review in order to determine the sanitary sewer capacity needs. Additional SFPM approval from PADEP may be required. Once determined, the required sanitary sewer capacity should be shown on the plan. All of the required capacity will need to be purchased.
2. The Reserve at Waynebrook existing sanitary sewer manhole MH-1A, which is located in the Route 100 right-of-way needs to be shown on the plans. It is near the lot's entrance/exit off Route 100.
3. The two (2) new sanitary sewer laterals shall be cut-in wye's connected to the existing sewer with SDR-35 PVC repair couplings.

4. The locations of the service line vent, cleanout and trap for the three (3) sanitary sewer service lines need to be shown on the plans.
5. A number of the UUTMA Standard Details on the plans need to be replaced with the most recent Details last revised in April, 2021.
6. It is recommended that any buildings with food preparation include a grease interceptor. The minimum volume of grease interceptors shall be 1,000 usable gallons and these units need to be located outside.

**VIII. TOWNSHIP LIGHTING CONSULTANT COMMENTS**  
**STUBBE CONSULTING LLC**

1. Standard Streetlighting Luminaire – Plan specifies Township standard streetlights with metal halide sources. As was stated in this office's review of Lot 2A proposed street lighting, the current standard streetlighting luminaire is the Lumec DMS-55W32LED3K-T-LE3F-120-DMG-RD2TX. It is recommended Applicant be requested to submit a lighting design utilizing the above-described luminaire.
2. Other Site Lighting – It is recommended Applicant be requested to submit for Township review and approval, all exterior lighting, including, but not limited to: building-mounted and free-standing lighted signage, landscape lighting, flag lighting, lighting at the rear of the various buildings, and the depicted outdoor play area, if it is to be utilized during hours of darkness.
3. Lighting Control – The described lighting on/off control scheme is subject to many currently undefined variables, such as which parking area lighting is associated with a particular use that might be an all-night operation, and therefore perhaps need to be controlled by/at that use, and which parking and cartway areas are common to all businesses and therefore to be controlled centrally. Granted that such information may not be currently available, it suggests the need for a lighting control scheme with suitable flexibility. It is recommended Applicant be requested to submit a more detailed description an appropriate over-all lighting control scheme, rather than leaving it up to the decision of the electrical contractor at the time of bidding or installation.
4. Landscaping/Lighting Conflicts – To facilitate better coordination between lighting and landscape installers and to minimize potential light blockage at or before tree maturity, it is recommended Applicant be requested, as a minimum, to add to the LEGEND on Sheet 704, the symbol of the plotted luminaire locations used on the landscape plans.

Mr. Tony Scheivert  
Upper Uwchlan Township Manager  
Reference: Parcel 5C (Byers Station) – Lot 2B  
Amended Final PRD Plans – First Review  
Upper Uwchlan Township, Chester County, PA  
File No.: 03-0434.07  
May 5, 2022

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This concludes our first review of the above referenced Amended Final Plans. If you have any questions, please do not hesitate to contact me.

Sincerely,

*David N. Leh*

David N. Leh, P.E.  
Vice President  
Gilmore & Associates, Inc.

cc: Upper Uwchlan Township Planning Commission Members  
Upper Uwchlan Township Board of Supervisors  
Kristin S. Camp, Esq., BBM&M (via email only)  
Sheila A. Fleming, ASLA, Brandywine Conservancy (via email only)  
Christopher J. Williams, P.E., McMahon Associates, Inc. (via email only)  
David Schlott, P.E., ARRO Consulting, Inc. (via email only)  
Alyson Zarro, Esq. – RRHC (via email only)  
Jason Korczak, P.E., Bohler Engineering (via email only)  
Michael Baginski, P.E., Bohler Engineering (via email only)  
Guy DiMartino, P.E., TPD (via email only)  
Richard Huffman, Applicant (via email only)  
Allan Greenberg Applicant (via email only)  
Kevin Michals Applicant (via email only)  
Gary Large Applicant (via email only)



# THE COUNTY OF CHESTER



COMMISSIONERS  
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Executive Director

PLANNING COMMISSION  
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April 12, 2022

Gwen A. Jonik, Secretary  
Upper Uwchlan Township  
140 Pottstown Pike  
Chester Springs, 19425

Re: Final Land Development - Byers Station Amended Final PRD Plan for Lot 2B of Parcel 5C  
# Upper Uwchlan Township - LD-03-22-17149

Dear Ms. Jonik:

A final land development plan entitled "Byers Station Amended Final PRD Plan for Lot 2B of Parcel 5C", prepared by Bohler Engineering and dated March 15, 2022, was received by this office on March 25, 2022. This plan is reviewed by the Chester County Planning Commission in accord with the provisions of Section 502 of the Pennsylvania Municipalities Planning Code. We offer the following comments on the proposed land development for your consideration.

## **PROJECT SUMMARY:**

Location:	Pottstown Pike (State Route 100) and Station Boulevard
Site Acreage:	3.97 acres
Lots/Units:	1 lot; 4 buildings
Non-Res. Square Footage:	25,520 square feet (total)
Proposed Land Use:	Retail, Restaurant, Child Day Care
New Parking Spaces:	131 spaces
Municipal Land Use Plan Designation:	Village
UPI#:	32-4-1090.1

## **PROPOSAL:**

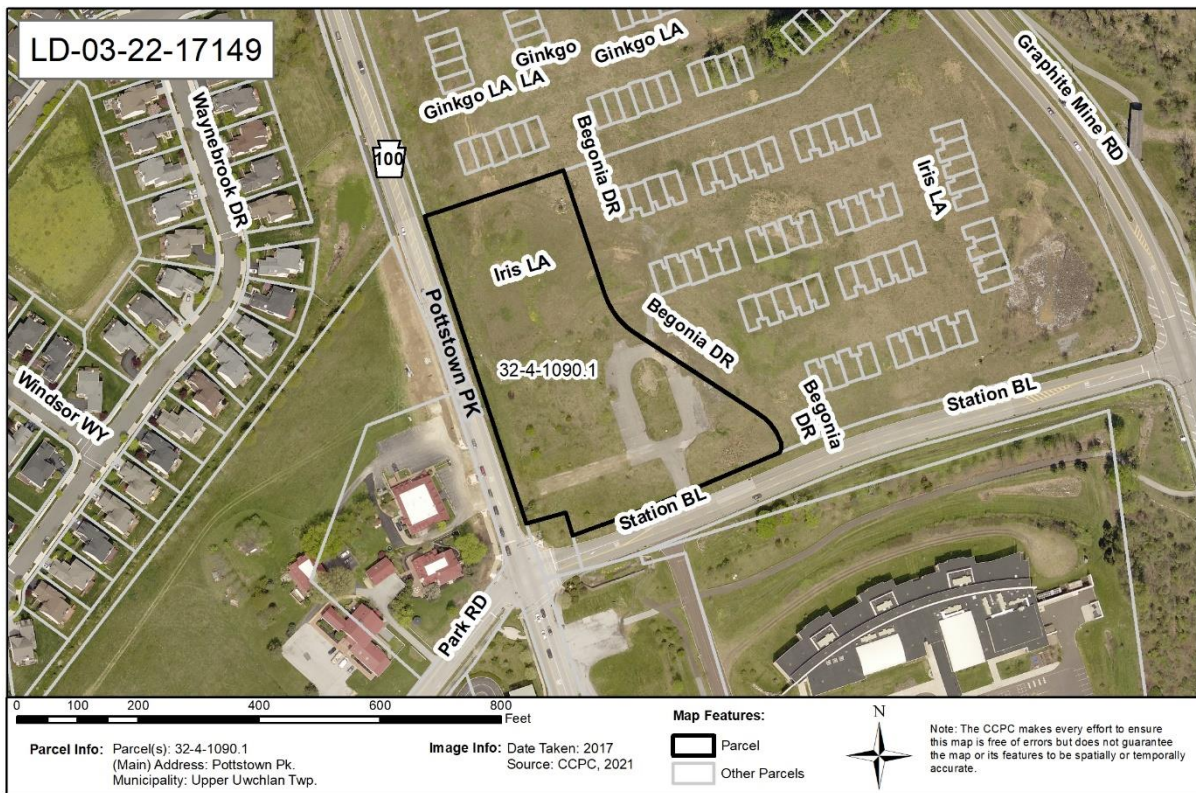
The applicant proposes the construction of four buildings totaling 25,520 square feet, including commercial and restaurant land uses and a day care center, and 131 parking spaces. The site, which will be served by public water and public sewer facilities, is located in the Upper Uwchlan Township PRD Planned Residential Development Overlay zoning district.

**RECOMMENDATION:** The County Planning Commission recommends that the issues raised in this letter should be addressed and all Upper Uwchlan Township issues should be resolved before action is taken on this land development plan.

**COUNTY POLICY:**

**LANDSCAPES:**

1. The site is located within the **Suburban Center Landscape** designation of [Landscapes3](#), the 2018 County Comprehensive Plan. The vision for the **Suburban Center Landscape** is regional economic, population and transportation centers with varying land uses, accommodating substantial future growth of medium to high intensity. Repurposing obsolete structures and sites and encouraging sustainable development will be critical as suburban centers grow, and transportation infrastructure and amenities will need to expand to create an integrated multimodal network. The proposed land development is consistent with the objectives of the **Suburban Center Landscape**.



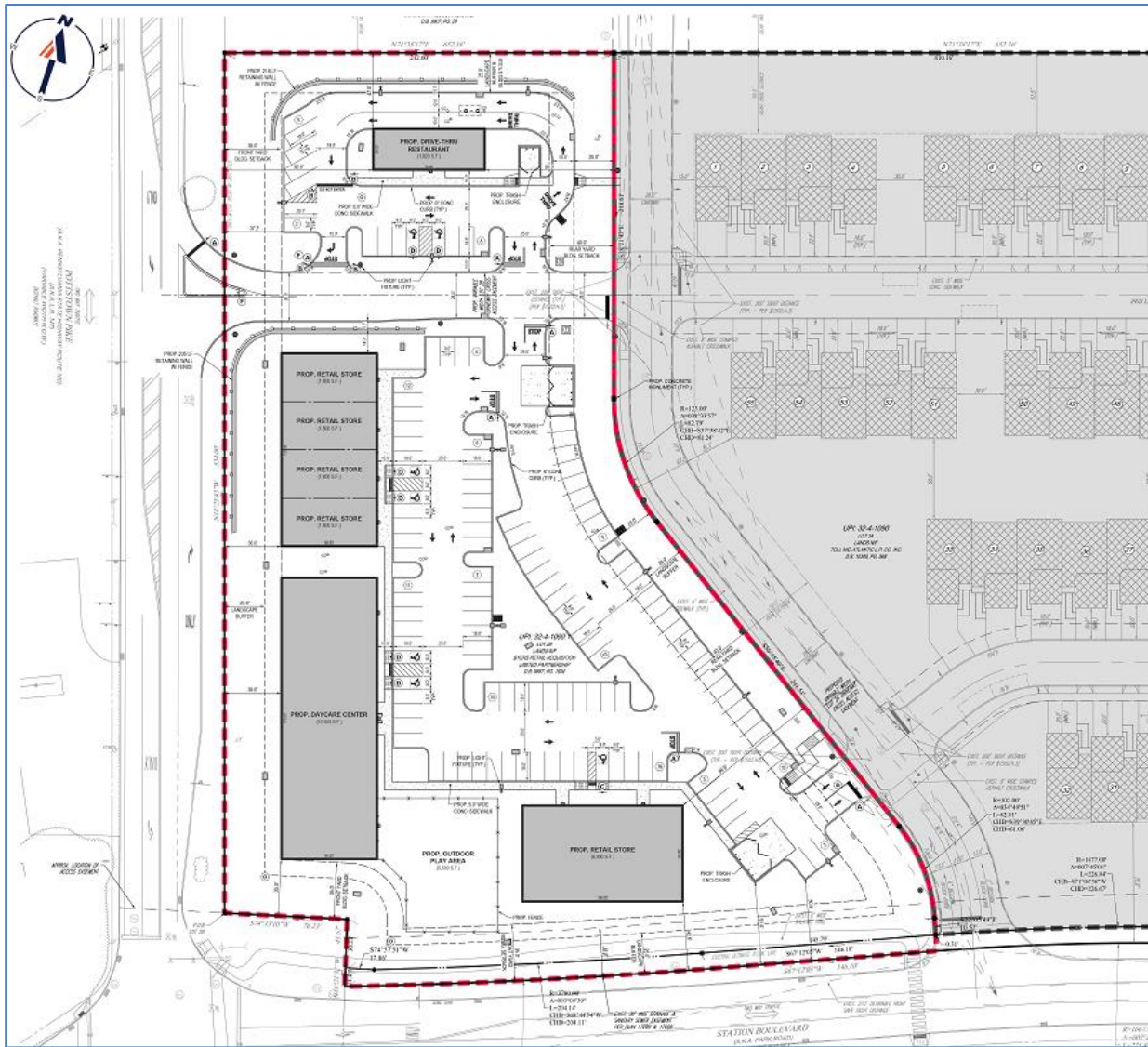
**WATERSHEDS:**

2. **Watersheds**, the water resources component of [Landscapes3](#), indicates the proposed development is located within the Pickering Creek watershed. **Watersheds'** highest priority land use objectives within this watershed are:

- implement comprehensive stormwater management,
- protect vegetated riparian corridors, and
- protect first order streams

**Watersheds** can be accessed at [www.chesco.org/water](http://www.chesco.org/water).

- Land disturbance and land development activities that occur within Chester County must comply with the ***County-wide Act 167 Stormwater Management Plan for Chester County, PA*** (July 2013) and the associated Act 167 stormwater management ordinance standards adopted by each municipality.



***Detail of Byers Station Amended Final PRD Plan for Lot 2B of Parcel 5C  
 Final Land Development Plan***

**PRIMARY ISSUES:**

- The County Planning Commission's **Multimodal Circulation Handbook** (2016 Update), which is available online at [www.chescoplanning.org/resources/PubsTransportation.cfm](http://www.chescoplanning.org/resources/PubsTransportation.cfm), classifies Pottstown Pike (State Route 100) as a Major Arterial roadway. The Handbook (page 183) recommends a 150-foot-wide right-of-way for Major Arterial roads to accommodate future road and infrastructure improvements. We recommend that the applicant and the Township contact

PennDOT to determine the appropriate right-of-way to be reserved for this section of Pottstown Pike and that be offered to PennDOT for dedication.

5. The Township Engineer should review the intersection at Pottstown Pike and Station Boulevard to determine whether a merging lane may be needed at the exit nearest the drive-through restaurant and turning right onto Pottstown Pike. Due to the size of this proposal and its location, we suggest that the Township's review of this submission would benefit from the preparation of a current traffic impact study and a review of the potential impacts posed by this project.
6. Pedestrian connectivity between sidewalks and buildings is an important component of a complete sidewalk system in the **Suburban Center Landscape**. "Connect" Objective C of *Landscapes3*, the 2018 County Comprehensive Plan, is to provide universally accessible sidewalks, trails, and public transit connections to create a continuous active transportation network within designated growth areas. We encourage the applicant to provide appropriate sidewalk connections from this site to the adjacent residential areas. The applicant should contact the owner of the residential area to the north to provide a potential pedestrian connection to this site.

PennDOT's Design Manual 2-Chapter 6: Pedestrian Facilities and the Americans with Disabilities Act (ADA) recommend that sidewalks be a minimum of 5 feet in width. Additional information on this topic is provided in the Pedestrian Facilities Design Element of the County Planning Commission's Multimodal Circulation Handbook (2016 Update), which is available online at: [www.chescoplanning.org/MuniCorner/MultiModal/02-PedFacs.cfm](http://www.chescoplanning.org/MuniCorner/MultiModal/02-PedFacs.cfm).

7. The commercial buildings appear to be oriented inwards towards the site, with their rear and side elevations facing Pottstown Pike and Station Boulevard. Few stores in the Eagle village area present their rear elevations to Pottstown Pike and Station Boulevard. While the applicant has provided landscaping along Pottstown Pike and Station Boulevard in these areas, we recommend that the applicant and the Township carefully consider how the designs of the rear elevations will appear as viewed from the public rights-of-way of the adjacent roadways, and how they will fit within the context of the area. Blank walls should be avoided, and variations in textures and materials should be considered. Optimally, windows should also face the roadways. We also suggest that the applicant avoid the use of flat roofs on the structures, because many of the nearby structures have pitched roofs. The Township should ask the applicant for conceptual architectural renderings to illustrate these design issues.
8. The Stormwater Management Plans indicate that vegetated swales will be utilized to manage a portion of the site's stormwater runoff. The applicant should submit the Operations and Management Plan for the stormwater facilities to the Township, which should be reviewed by the Township Engineer. To ensure this system continues to function as designed, the applicant and/or those responsible for future maintenance should strictly adhere to the inspection schedule included in the Operation and Maintenance Plan. Appropriate pre-treatment Best Management Practices (BMPs) should be installed to remove sediment and other debris from runoff before it discharges to the planned subsurface infiltration system. Sediment, oil, grease, or other debris should be regularly removed from these pretreatment BMPs.

#### ADMINISTRATIVE ISSUES:

9. The applicant should contact the office of the Chester County Conservation District (telephone #610-455-1360) for information and clarification on erosion control measures. The provisions of the Commonwealth Erosion Control Regulations may apply to the project and may require an

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Re: Final Land Development - Byers Station Amended Final PRD Plan for Lot 2B of Parcel 5C  
# Upper Uwchlan Township - LD-03-22-17149

Earth Disturbance Permit or a National Pollutant Discharge Elimination System permit for discharge of stormwater from construction activities. Additional information on this topic is provided online at: <https://www.chesco.org/284/ErosionStormwater>.

10. A minimum of five copies of the plan should be presented at the Chester County Planning Commission for endorsement to permit recording of the final plan in accord with the procedures of Act 247, the Pennsylvania Municipalities Planning Code, and to meet the requirements of the Recorder of Deeds, the Assessment Office, and the Health Department.

This report does not review the plan for compliance to all aspects of your ordinance, as this is more appropriately done by agents of Upper Uwchlan Township. However, we appreciate the opportunity to review and comment on this plan. The staff of the Chester County Planning Commission is available to you to discuss this and other matters in more detail.

Sincerely,

A handwritten signature in dark ink that reads "Wes Bruckno". The signature is written in a cursive, flowing style.

Wes Bruckno, AICP  
Senior Review Planner

cc: Bohler Engineering  
Byers Retail Acquisition Limited Partnership  
Anthony Antonelli, District Permits Manager, PennDOT  
Francis J. Hanney, PennDOT  
Mark E. Cassel, AICP, Director of Service Planning, SEPTA  
Chester County Conservation District

ALYSON M. ZARRO  
[alyson@rrhc.com](mailto:alyson@rrhc.com)  
extension 210



March 15, 2022

*via hand delivery*

Tony Scheivert, Township Manager  
Upper Uwchlan Township  
140 Pottstown Pike  
Chester Springs, PA 19425

**Re: Prosperity Property Investments, LLC/Upper Uwchlan Township  
Byers Station Parcel 5C Lot 2B  
Amended Final Planned Residential Development Plan Application**

Dear Tony:

As you know, I represent Prosperity Property Investments, LLC ("Applicant") in connection with Lot 2B of Parcel 5C in the Byers Station Planned Residential Development ("Property"). Applicant is the equitable owner of the Property which is approximately 3.971 acres and is further identified as UPI Number 32-4-1090.1.

Previously, the current legal owner of the Property, Byers Retail Acquisition Limited Partnership, had filed several Final Planned Residential Development Plans for Commercial Development on the Property. An alternative Plan titled "Amended Final PRD Plans for Byers Retail Acquisition, L.P.- Final Plan for Lot 2A and Lot 2B of Parcel 5C prepared by Bohler Engineering dated March 25, 2019 and last revised August 16, 2019 ("2019 Final Plan") was approved by the Board of Supervisors on October 14, 2019. The 2019 Final Plan depicted two (2) commercial pad sites on the Property with a combination of retail, restaurant and office uses. The 2019 Plan was not recorded.

Applicant is hereby filing this Application for a further amendment to the Final PRD Plan for the Property. This new amended plan depicts the development of one 1,820 sq. ft. freestanding eating and drinking establishment; two Freestanding commercial pad sites, one consisting of 6,000 sq. ft. of retail space and the other consisting of 7,200 sq. ft. of retail space; and a separate building containing a daycare center of approximately 10,500 sq. ft. with an outdoor play area of approximately 5,500 sq. ft. In connection with this Amended Plan, Applicant is also proposing to utilize shared parking for the proposed uses pursuant to Section J.8 of the Tentative Approval for the Byers Station Planned Residential Development dated June 7, 1999. A shared parking analysis prepared Traffic Planning and Design, Inc. will be submitted under separate cover to support the proposed shared parking.

Enclosed for filing in connection with this Amended Final PRD Plan Application ("Application") for the Property are the following materials:

[rrhc.com](http://rrhc.com)

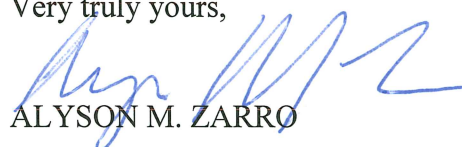
1. Four (4) copies of a plan entitled "Byers Station Amended Final PRD Plans (Final Plan from Lot 2B of Parcel 5C)" prepared by Bohler Engineering dated March 15, 2022;
2. Four (4) copies of a General Project Description & Stormwater Management Calculations prepared by Bohler Engineering dated March 25, 2019 and last revised March 15, 2022;
3. One (1) copy of a Reimbursement Agreement executed on behalf of the Applicant;
4. One (1) copy of the Chester County Act 247 Referral Form;
5. A check in the amount of \$250.00 made payable to Upper Uwchlan Township, the Final Plan Application Fee;
6. A check in the amount of \$5,000.00 made payable to Upper Uwchlan Township to establish an escrow account for Township Consultant Review Fees; and
7. A check in the amount of \$2,026.84 made payable to the Chester County Planning Commission for its review.

Kindy forward the Application materials to the Township Consultants and the County Planning Commission for review.

Bohler Engineering will be transmitting this letter and accompanying materials electronically under separate cover.

As always, please feel free to contact me if you have any questions or require additional information. Thank you for your assistance with this matter.

Very truly yours,



ALYSON M. ZARRO

AMZ/mrm

Enclosures

cc: Gwen Jonik, Township Secretary (w/enclosures via email)  
Kristin Camp, Esquire, Township Solicitor (w/enclosures via email)  
Allan Greenberg (w/enclosures via email)  
Kevin Michals (w/enclosures via email)  
Gary Large (w/enclosures via email)  
Jason Korczak, P.E., Bohler (w/enclosures via email)  
Michael Baginski, Bohler (w/enclosures via email)  
Guy DiMartino, P.E., Traffic Planning and Design (w/enclosures via email)



**UPPER UWCHLAN TOWNSHIP  
CHESTER COUNTY, PENNSYLVANIA**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF UPPER UWCHLAN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 200 OF THE UPPER UWCHLAN TOWNSHIP CODE, AS AMENDED, ENTITLED “ZONING”, BY AMENDING THE UPPER UWCHLAN TOWNSHIP ZONING MAP WHICH IS ADOPTED IN SECTION 200-9 TO ELIMINATE THE F-1 AND F-2 FLEXIBLE DEVELOPMENT OVERLAY DISTRICTS; SECTION 200-69.B TO DELETE THE REFERENCE TO FLEXIBLE OPEN SPACE DEVELOPMENT OPTION; AND TO DELETE SECTION 200-72 TITLED “FLEXIBLE/OPEN SPACE DEVELOPMENT OPTION”.**

**NOW THEREFORE BE IT ENACTED AND ORDAINED** by the Board of Supervisors of Upper Uwchlan Township, Chester County, Pennsylvania, that Chapter 200 of the Upper Uwchlan Zoning Code, entitled, “Zoning”, as amended, shall be amended as follows:

**SECTION 1.** The Zoning Map of Upper Uwchlan Township which is adopted in Section 200-9 shall be amended by removing the F-1 and F-2 Flexible Development Overlay Districts. The revised Zoning Map is attached hereto as Exhibit “A”.

**SECTION 2.** Section 200-69.B shall be amended as follows:

“B. Applicability. The criteria set forth in this section shall apply to any common open space and/or any restricted open space required under applicable provisions of this chapter (i.e., multifamily development, mobile home park development, and planned residential development.) For the purposes of this chapter, common open space shall be considered a subset of restricted open space, as defined in § 200-7.”

**SECTION 3.** Section 200-72 titled “Flexible/open space development option” shall be deleted.

**SECTION 4. Severability.** If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**SECTION 5. Repealer.** All ordinances or parts of ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

**SECTION 6. Effective Date.** This Ordinance shall become effective in five days from the date of adoption.

**ENACTED AND ORDAINED** this \_\_\_\_ day of \_\_\_\_\_, 2022.

**ATTEST:**

**UPPER UWCHLAN TOWNSHIP  
BOARD OF SUPERVISORS**

\_\_\_\_\_  
Gwen A. Jonik, Secretary

\_\_\_\_\_  
Sandy M. D'Amico, Chair

\_\_\_\_\_  
Jenn F. Baxter, Vice-Chair

\_\_\_\_\_  
Andy Durkin, Member



## UPPER UWCHLAN TOWNSHIP

### Planning Commission Meeting

April 14, 2022

7:00 p.m.

Minutes

Draft

LOCATION: Township Building, 140 Pottstown Pike, Chester Springs PA 19425

#### In attendance:

Sally Winterton, Chair; Joe Stoyack, Vice-Chair; Chad Adams, David Colajezzi, Jim Dewees, Stephen Fean, Jim Shrimp, Jeff Smith

Mary Lou Lowrie, P.E. – Gilmore & Associates  
Gwen Jonik, Planning Commission Secretary

Absent: Ravi Mayreddy

Sally Winterton called the meeting to order at 7:01 p.m. There were 7 citizens in attendance.

#### Byers Station Parcel 5C Lot 2B Commercial Lot ~ Amended Final PRD Plan - Introduction

Alyson Zarro, Esq., on behalf of Prosperity Property Investments, introduced the amended Plan for the currently vacant Lot at Pottstown Pike and Station Boulevard, proposing 1820 SF eating/drinking establishment, 13,200 SF of retail space, 10,500 SF daycare center and shared parking. Ms. Zarro noted that Equus had approval in 2019 for 2 pad sites but interest went dormant. There's a new client who would like to make changes. Richard Hoffman and Allan Greenberg of Celebree (the daycare center) would be the owner and developer and operate the daycare center. They propose the Iris Lane exit to Pottstown Pike; PennDOT's highway occupancy permit shows a dedicated left in turn lane traveling south on Pottstown Pike, a right in traveling north, and only a right-turn out. Stormwater will be managed through the basin on the other side of the Enclave, the townhouses.

The eating/drinking establishment is a 1,820 SF coffee shop or other fast casual food, with a drive through. The other pad will include the daycare center, and 2 retail stores -- 6,000 SF and 7,200 SF.

Richard Hoffman has been involved with Celebree Schools for 27 years; caring for infants through pre-K, plus before- and after-school care. Potentially 140 children, they serve a 3 mile radius, Monday-Friday 6:30 – 6:30. Parents drop the children off and go so parking needs are minimal. The retail sites could be pediatric in nature – a pediatrician or child dentistry. They have someone in mind for the eatery but not the retail sites. Architectural schematics were displayed. The facades visible from Pottstown Pike will look like the fronts of the buildings. There are design standards within the PRD approval. Pitched roofs except the restaurant looked flat and would be visible from Pottstown Pike.

Planning Commission members made comments regarding heavy traffic through this area at morning rush hour(s) and adequate stacking for the left turn in from southbound Pottstown Pike, use the Village Design Guidelines for architecture, adequate area for truck deliveries, fenced dumpsters.

Jeff Smith moved to accept the plans for consultants' review. Chad Adams noted they need to provide the maximum size truck that can move through the site. Following a second by Joe Stoyack, the motion carried unanimously.

#### Natural Lands Trust – Shryock Subdivision/Lot Line Change

Jack Stefferud of Natural Lands Trust (NLT) and Brian Nagel, Esq., landowners counsel and assisting NLT, were in attendance. Mr. Stefferud presented NLT's plan to purchase 2.7 acres of Shryock property, which includes the County's Struble Trail easement and the Dorlan's Mill miller's house, which is collapsing. The Struble Trail extension will connect with Marsh Creek State Park. The edge of the acreage will be the edge of the Struble Trail, and the State will then own the parcels. There is a pre-existing utility easement. The Township Zoning Hearing Board granted variances April 13, 2022. Several waivers are requested; the consultants had no objection to most, but the waiver from the historic impact statement was deferred to the Township Historical Commission (HC). The HC does not want the Board of Supervisors to waive the Applicant providing the impact statements and would like to see the miller's house, or a portion thereof, preserved in some manner. They suggested a number of options and asked that experts in the field take a look at the condition of the house prior to consideration by the Board. Mr. Nagle distributed a letter from Skip Brion, Esq., counsel for the County, and summarized it as follows: that the County has worked for 15 years to connect the Struble Trail to the Park; this parcel is the last gap; the County would like to construct the trail this year; the County supports the zoning variances and the approval of the lot line change; and it is hoped that the Township will waive the historic impact statements and allow the miller's house to be demolished and a plaque constructed detailing the history of the house.

Discussion included: the letter says the State won't take the parcel if the house remains and NLT is not interested in the parcel then; Shryock owns the property and didn't improve the house over the last 15 years; perhaps the foundation or footprint of the house could be preserved; a plaque can be erected; demolition would include removing the roof, the structure would be collapsed into the basement, and there will be enough rubble to fill the basement as well as spreading some of it up the hillside; NLT doesn't have the funds to do more than that; several members would like to see at least the foundation remaining; some members think the house has lost all the historic significance; the trail is more important; have an artist create a rendering of the mill and house for the plaque; researching grants for preservation would add years to the project, with the house further deteriorating; adaptive reuse of the structure is not feasible; if the HC makes recommendations, the Board should follow; the Board could decide to spend the money to buy the property and restore the house but there's not enough safe structure left - it'd have to be knocked down and rebuilt; perhaps the Board should consider dedicated funding for open space or historic preservation; investigate the cost to leave the foundation walls or footprint preserved.

The waiver regarding the 50' ultimate right of way was discussed. Mr. Nagle noted it's a State road, there's not enough room for that and it's not necessary. PennDOT approved the trail crossing without requiring the road be widened.

Chad Adams moved to recommend approval of the lot line change, granting of the waivers and that the applicant should construct an historical marker on the site to be reviewed with the Historical Commission. Jim Dewees seconded, and the motion carried with seven (7) in favor and one (1) abstention (Stoyack).

#### Approval of Minutes

Joe Stoyack moved, seconded by Jeff Smith, to approve as presented the minutes of the March 10, 2022 Planning Commission meeting. The motion carried unanimously.

#### Open Session

Joe Stoyack advised the Comprehensive Plan update is moving forward. An email address will be posted on the website for residents to provide comments and suggestions regarding the Plan.  
[CompPlan2024@upperuwchlan-pa.gov](mailto:CompPlan2024@upperuwchlan-pa.gov)

Gwen Jonik noted the current ordinances editorial and legal analysis responses were submitted to General Code and they are reviewing our responses.

#### Adjournment

Jim Dewees moved, seconded by Chad Adams, to adjourn at 8:21 p.m. All were in favor.

Respectfully submitted,

Gwen A. Jonik  
Planning Commission Secretary

6:00 p.m. Work Session

Topics discussed:

1. Parking, shared parking in the Village, overnight parking in cars or RVs in residential areas, commercial areas – Police or property owner, not zoning; shared parking needs conditional use approval; let businesses enter into agreements with each other; perhaps annually report to the Township that they're meeting their requirements; parking impacts occupancy; overflow parking issues; propose revise so businesses don't need conditional use or special exceptions; if subdivision is required, okay, otherwise perhaps conditional use should be necessary.
2. Overlay Districts F1, F2, PRD. How many eligible properties remain; pros and cons of deleting.