

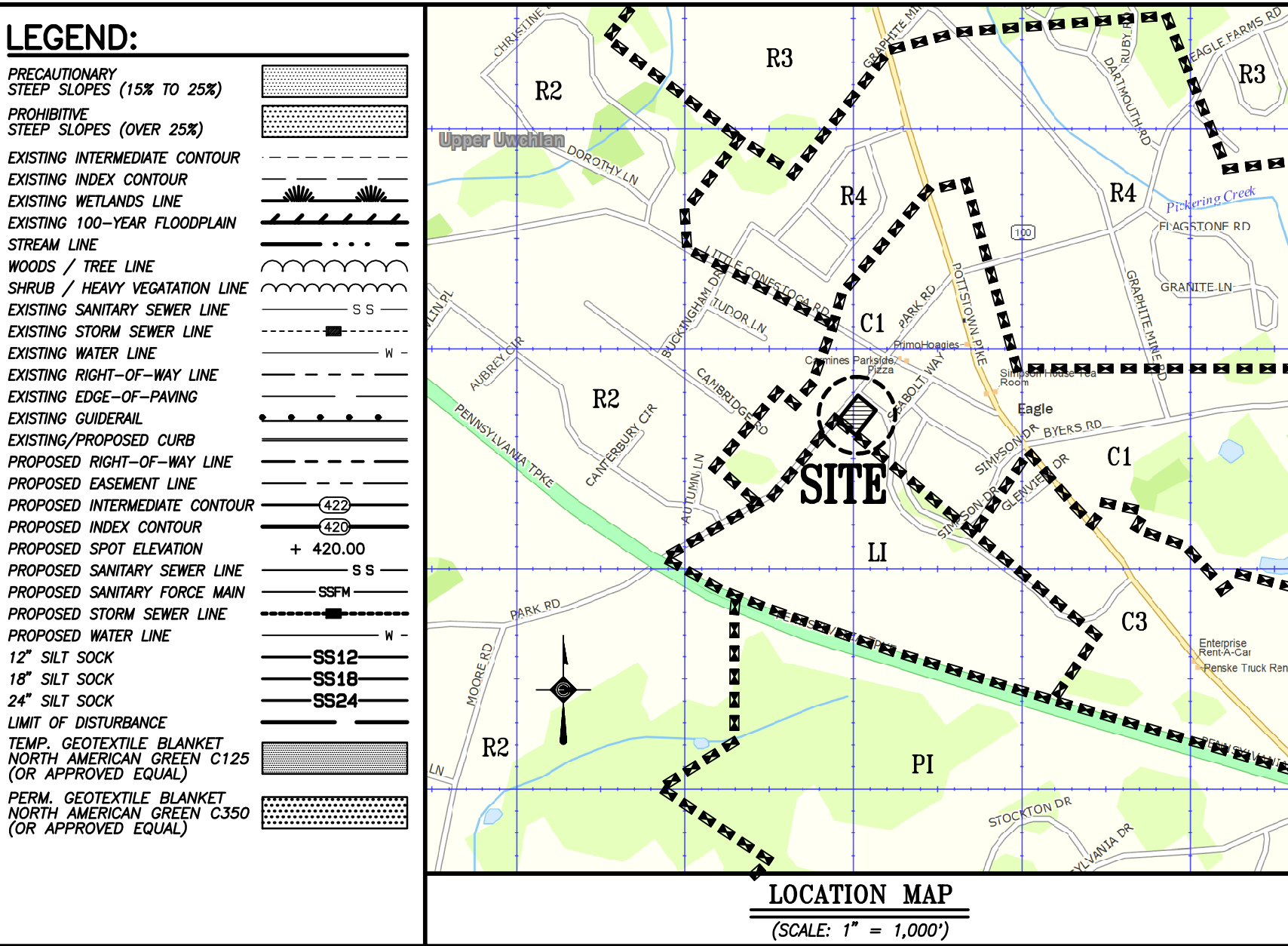
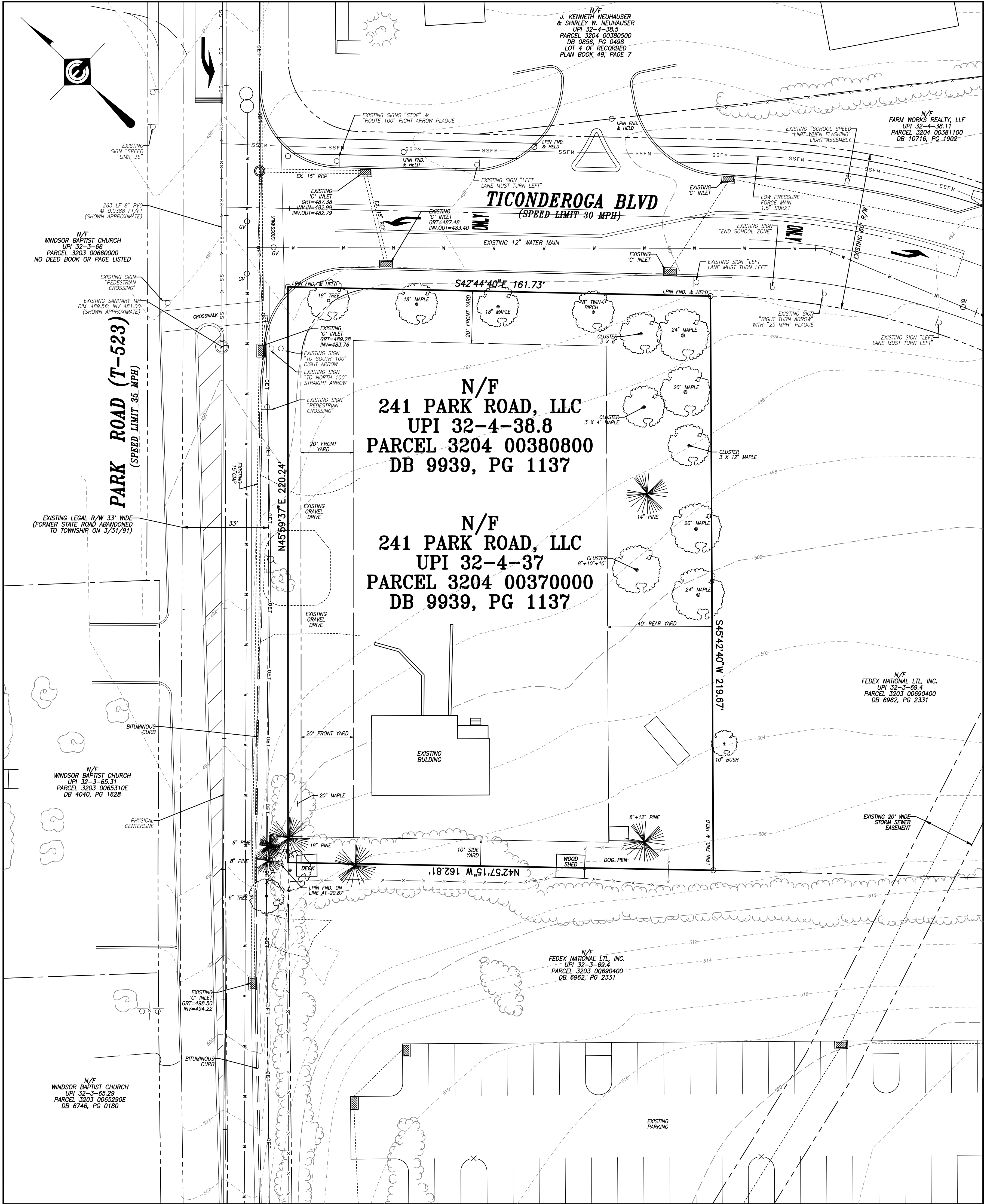


UPPER UWCHLAN TOWNSHIP
BOARD OF SUPERVISORS
WORKSHOP
AGENDA
June 13, 2023
4:00 p.m.

CONDITIONAL USE HEARING
Re: 260 Sierra Drive LP
5:00 p.m.

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

- I. Call to Order
 - A. Salute to the Flag
 - B. Moment of Silence
 - C. Inquire if any Attendee plans to audio or video record the Workshop
- II. 241 Park Road ~ Sketch Plan ~ Introduction
- III. 138 Moore Road ~ Introduction of Proposed Art Studio Use
- IV. Discussion ~ Modification of the 75' Wetland Setback Requirement
- V. Commercial Zoning District Uses
 - A. Review revisions to the C1 Village Commercial District suggested at the Board's February 2023 Workshop
 - B. Review and discuss for possible revision the C3 Highway Commercial District by-right uses and uses permitted via conditional use process.
- VI. Draft Alternative Energy Ordinance amendment
Review, discuss, possibly authorize advertisement for adoption
- VII. Open Session
- VIII. Adjournment
- IX. 5:00 p.m. CONDITIONAL USE HEARING: 260 Sierra Drive LP c/o Hankin Group



- SOILS IDENTIFICATION:**
- THIS SITE IS COMPRISED ENTIRELY OF GLADSTONE GRAVELLY LOAM, 3 TO 8 PERCENT SLOPES. GLADSTONE SOILS ARE NOT IDENTIFIED AS HYDROIC SOILS.
- | SYMBOL | DESCRIPTION | DEPTH TO HIGH WATER | DEPTH TO BEDROCK | HYDROLOGIC SOIL GROUP |
|--------|-------------|---------------------|------------------|-----------------------|
| SS12 | SS12 | 0\"/> | | |

ZONING -- C1		VILLAGE DISTRICT	
	REQUIRED	EXISTING	PROVIDED
MINIMUM LOT AREA	10,000 SF (MIN)	35,882.5 SF	35,882.5 SF
MINIMUM LOT WIDTH	100.00' (MIN)	100.00' (MIN)	100.00' (MIN)
MINIMUM FRONT YARD	20.00' (MIN)	20.00' (MIN)	20.00' (MIN)
MINIMUM SIDE YARD (EACH)	10.00' (MIN)	10.00' (MIN)	10.00' (MIN)
MINIMUM REAR YARD	40.00' (MIN)	40.00' (MIN)	40.00' (MIN)
MINIMUM SETBACK	50.00' (MIN)	50.00' (MIN)	50.00' (MIN)
MINIMUM GARAGE SETBACK	40.00' (MIN)	40.00' (MIN)	40.00' (MIN)
MAXIMUM BUILDING COVERAGE	30.00% (MAX)	30.00% (MAX)	16.81% (6,000 SF)
MAXIMUM LOT COVERAGE	60.00% (MAX)	60.00% (MAX)	59.41% (21,199 SF)
MAXIMUM BUILDING HEIGHT	35.00' (MAX)	35.00' (MAX)	35.00' (MAX)

ZONING NOTES:

- NOT MORE THAN 15% OF THE AREA OF A LOT SHALL BE OCCUPIED BY BUILDINGS OR STRUCTURES LESS THAN 1 1/2 STORIES IN HEIGHT.
- NO ACCESSORY BUILDING OR STRUCTURE SHALL BE LOCATED WITHIN THE FRONT YARD, NOR WITHIN 10 FEET OF ANY SIDE OR REAR LOT LINE.
- 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 STORES 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.

EXISTING CONDITIONS PLAN

SKETCH PLAN FOR 241 PARK ROAD

UPPER UWCHLAN TOWNSHIP

CHESTER COUNTY, PA

DATE: JUNE 2, 2023

SCALE: 1" = 20'

SURVEY: EDW 3544

DRAWN: AHZ

CHECKED: VK

DRAWING No: 202317-1

SHEET: 1

OF: 2

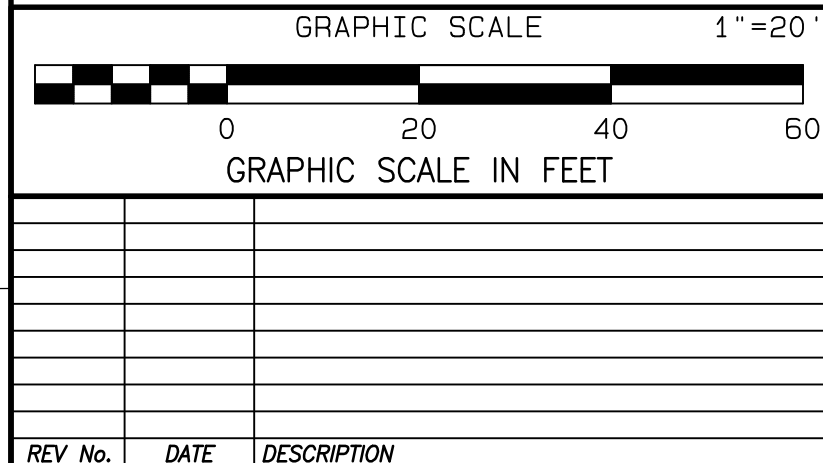
COMMONWEALTH ENGINEERS, INC.

114 EAST LANCASTER AVENUE ~ SECOND FLOOR

DOWNTOWN, PA 19335

TELEPHONE: (610) 515-9003 FAX: (610) 518-9004

COMENG@CEI-1.COM



LOCATION MAP
(SCALE: 1" = 1,000')

PARKING NOTES:
THE APPLICANT WILL REQUEST A MODIFICATION OF THE PARKING COUNT REQUIREMENTS PURSUANT TO ZONING ORDINANCE SECTION 200-73.K. THIS REQUEST WILL BE MADE DURING THE REQUIRED CONDITIONAL USE PROCESS FOR THIS PROJECT.

DATE:	JUNE 2, 2023	SHEET:	2
SCALE:	1" = 20'		
SURVEY:	EBW 3544		
DRAWN:	AHZ		
CHECKED:	VK		
DRAWING No:	202317-1		
		OF:	2

PROJECT NARRATIVE

241 PARK ROAD SKETCH PLAN

Project Background:

Planebrook Partners, LLC, plans to consolidate two small tracts of land located at 235 Park Road (UPI 32-4-38.9) and 241 Park Road (UPI 32-4-37) in Upper Uwchlan Township, Chester County, Pennsylvania, into a single tract and develop the property with a 6,000 square foot, two-story daycare facility (total gross floor area: 12,000 square feet.) Associated infrastructure including parking, a pervious surface play area, public sewer and water, and stormwater management will be provided as required.

There is an existing dwelling and circular gravel drive fronting on Park Road with several small outbuildings and structures that are proposed to be demolished and removed by the applicant as part of the construction process

The proposed daycare center will be leased and operated by Ducklings Early Learning Center, a Chester County based firm that is currently running ten (10) other Duckling facilities in Chester County. The closest current Duckling's facility is located in Exton at 101 Arrandale Road. Ducklings Early Learning Centers have been operating in Chester County for over 25-years, and they have extensive experience with not only operating early learning centers, but also the process of getting land developments approved and constructed to their precise specifications.

The subject properties are entirely within the Marsh Creek watershed, a watershed designated by the Commonwealth of Pennsylvania as a High Quality, Trout Stocked Fishery; Migratory Fishery.

Zoning:

The subject site is located in C-1 Village Zoning District. Daycare centers require Conditional Use approval from Upper Uwchlan Township in the C-1 Village District.

Parking:

It is Ducklings Early Learning Centers' experience that daycares will typically require around thirty-five (35) parking spaces, which is more than adequate to meet the needs of the facility. Upper Uwchlan Township Zoning, however, requires sixty (60) total spaces for the proposed 6,000 square-foot building with 12,000 square feet of gross floor area. The applicant will be seeking a modification to the parking requirements pursuant to Zoning Ordinance Section 200-73.K during the conditional use process to provide the thirty-nine (39) parking spaces currently shown on the sketch plan.

Due to its limited hours of operation from 7:00 am to 6:00 pm, it is the intent of the applicant to allow for overflow parking after the end of operating hours for nearby businesses.



MEMORANDUM

Date: April 7, 2023

To: Tony Scheivert – Township Manager
Gwen Jonik – Township Secretary
Rhys Lloyd – Township Director of Code Enforcement
Anthony Campbell – Township Zoning Officer
Kristin Camp, Esq. – Township Solicitor

From: David N. Leh, PE – Township Engineer

Reference: Modification of the 75 Foot Wetland setback Requirement

All:

As you will recall, the Board, at their March 20th meeting, granted Hankin relief from Section 301.T of The Stormwater Management Ordinance which prohibits disturbance within 75 feet of top-of-bank of all perennial and intermittent waterways, water bodies (lakes, ponds, etc.) and wetlands. At that time, it was suggested I review to determine whether or not this requirement can be modified, and we have determined it can.

This requirement was actually put in place when we adopted the first County Wide Act 167 stormwater Management Ordinance in 2014. As Kristin mentioned at the Board meeting, this requirement is optional. I believe the reason we decided to employ it was because it is consistent with the “Riparian Buffer Area” definitions in both the ZO and SALDO which were already in place. However, the ZO & SALDO only requires a 25 foot setback from wetlands. I think this was erroneously overlooked in 2014 and wetlands were also included with the 75 foot setback.

Probably the appropriate remedy would be to reduce the wetlands setback in the Stormwater Management Ordinance to 25 feet and it will then be consistent with ZO & SALDO definitions. The Riparian Buffer Area definition is silent on “water bodies” so we could leave that at 75 feet or reduce it to 25 feet.

Please let me know what your thoughts are and if you have any questions.

BUILDING ON A FOUNDATION OF EXCELLENCE

65 E. Butler Avenue | Suite 100 | New Britain, PA 18901 | **215-345-4330** | 215-345-8606
508 Corporate Drive West | Langhorne, PA 19047 | **215-369-3955** | 215-345-8606
184 W. Main Street | Suite 300 | Trappe, PA 19426 | **610-489-4949** | 610-489-8447
119 East Linden Street | Kennett Square, PA 19348 | **610-444-9006** | 610-444-7292
5100 Tilghman Street | Suite 150 | Allentown, PA 18104 | **610-366-8064** | 610-366-0433
One Penn Center at Suburban Station | 1617 JFK Blvd. | Suite 425 | Philadelphia, PA 19103 | **215-687-4246** | 215-564-1780
www.gilmore-assoc.com

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Category	C-1 Zoning District
Purpose	A. Preserve the historical development patterns of the villages of Eagle and Byers Station Historic District, and establish standards for new development and coordinated street, parking, and landscape improvements and pedestrian amenities, so as to complement the village setting and provide for safe and convenient access; B. Provide for a variety of uses in a manner which facilitates and promotes pedestrian travel within the village setting.
By-Right	<p>(1) (1) Business or professional office, bank or other financial institution, provided that no drive-through, outside walk-up ATM or other outside service shall be permitted by right.</p> <p>(2) Individual retail store, shop or establishment for the sale of drugs, dry goods, clothing, furnishings and other household supplies, variety, electronic goods and supplies, general merchandise, hardware, and garden supplies; provided that no adult-oriented use is provided, and no dispensing of gasoline shall be permitted and no drive-through, outside walk-up, or other outside service shall be permitted by right.</p> <p>(3) out-table service, including catering establishment, bakery, or confectionery shop, provided that no drive-through, outside walk-up or other outside service shall be permitted by right.</p> <p>(4) Personal service establishment, including but not limited to barbershop, beautician, tailor, dressmaker, shoe repair, repair of small appliances or electronic goods, or dry-cleaning service with a closed-loop system.</p> <p>(5) (Reserved)</p> <p>(6) Medical marijuana dispensary.</p> <p>(7) Restaurant, Drive Through Restaurant; but excluding hookah bar/lounge. Including Outdoor Dining in accordance with Section XXXX.</p> <p>(8) Bed and Breakfast.</p> <p>(9) Cultural studio.</p> <p>(10) Municipal uses. (this can include trails and parks and parking lots and parking garages)</p> <p>(11) Health and recreational club.</p>
Conditional Use	<p>(1) (1) Educational or religious use.</p> <p>(2) Cultural studio or facility.</p> <p>(3) Day-care center.</p> <p>(4) Bank or other financial institution with drive-through, walk-up ATM or other outside service; provided that such service shall not be permitted within direct view from any dedicated public street. Reserved.</p> <p>(5) Individual retail store, shop or establishment otherwise permitted as provided in Subsection A(2) or (3) above, with drive-through, walk-up or outside counter or curb service; provided that such service shall not be permitted within direct view from any dedicated public street. Reserved.</p> <p>(6) Mixed-use dwelling.</p> <p>(7) Bed and breakfast inn.</p> <p>(8) Eating and/or drinking establishment with inside and/or outside table service and with or without indoor or outdoor counter service for consumption on or off site but excluding drive-through service.</p> <p>(9) On tracts located adjacent to the Route 100 Bypass Graphite Mine Road and south of Byers Road only, any use permitted by right, conditional use, or special exception in the C-3 Highway Commercial District and not otherwise permitted in the C-1 Village District. For the purposes of this section, the term "adjacent" shall apply to tracts with direct frontage on the Route 100 Bypass Graphite Mine Road, whether or not access to the Bypass Graphite Mine Road is provided, as well as tracts contiguous to such tracts, where contiguous tracts are developed together with the tract(s) having direct frontage, under common authority and in accordance with a unified development plan. Contiguous tracts shall share a common boundary and shall not be separated by any public street. Conditional use approval hereunder shall not confer a right of direct access to the Bypass Graphite Mine Road where such is not otherwise specifically approved.</p> <p>(10) Any two or more principal uses otherwise permitted by right, conditional use, or special exception as provided herein. As a condition of conditional use approval, the Board of Supervisors may require that any application for a combination of two or more principal uses comply with the</p>

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KSC EDITS 2/20/2023

	provisions of § 200-70 of this chapter, as deemed applicable by the Board. (11) Adaptive reuse for historic preservation where indicated as a use subject to approval by the Board of Supervisors as a conditional use in accordance with § 200-72.1.
Accessory Use	(1) Bed-and-breakfast establishment as set forth in § 200-62B(5) Reserved. (2) Home occupation as set forth in § 200-62B(4) Reserved. (3) Any other customary residential or commercial accessory use <u>only</u> , subject to all applicable provisions of § 200-62.
Special Exception	(1) Municipal or public uses; Governmental or public utility building or uses. (2) Conversion of dwellings as set forth in § 200-63 Reserved.
Other	Adaptive reuse for historic preservation where indicated as a use by right in accordance with § 200-72.1.

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Category	C-1 Zoning District
Purpose	A. Preserve the historical development patterns of the villages of Eagle and Byers Station Historic District, and establish standards for development and coordinated street, parking, landscape improvements and pedestrian amenities, so as to complement the village setting and provide for safe and convenient access; B. Provide for a variety of uses in a manner which facilitates and promotes pedestrian travel within the village setting.
By-Right	<ul style="list-style-type: none"> (1) Business or professional office, bank or other financial institution. (2) Retail store provided that no adult-oriented use is provided and no dispensing of gasoline shall be permitted. (3) Personal service establishment, including but not limited to barbershop, beautician, tailor, dressmaker, shoe repair, repair of small appliances or electronic goods, or dry-cleaning service. (4) (Reserved) (5) Medical marijuana dispensary. (6) Restaurant, Drive Through Restaurant; but excluding hookah bar/lounge. (7) Bed and Breakfast. (8) Cultural studio. (9) Municipal uses. (this can include trails and parks and parking lots and parking garages) (10) Health and recreational club.
Conditional Use	<ul style="list-style-type: none"> (1) Educational or religious use. (2) Cultural facility. (3) Day-care center. (4) Reserved. (5) Reserved. (6) Mixed-use dwelling. (7) (8) (Adaptive reuse for historic preservation where indicated as a use subject to approval by the Board of Supervisors as a conditional use in accordance with § 200-72.1.
Accessory Use	<ul style="list-style-type: none"> (1) Reserved. (2) Reserved. (3) Any other commercial accessory use only, subject to all applicable provisions of § 200-62.
Special Exception	<ul style="list-style-type: none"> (1) Governmental or public utility building or uses. (2) Reserved.
Other	

Suggested Edits to Definitions in UUT Ordinance

Add:

Municipal use: Any use conducted by Upper Uwchlan Township, an agency of Upper Uwchlan Township or any authority created by Upper Uwchlan Township for administrative buildings, equipment or material storage, public park or recreational areas, public sewage treatment and/or water supply collection, treatment, storage and/or distribution facilities, stormwater management facilities, public parking garages and lots, public libraries or any similar use owned and operated by the Township, an agency of the Township or any authority created by the Upper Township. The definition of "municipal use" expressly excludes any use by any governmental agency or authority other than those of Upper Uwchlan Township.

Parking garage: A structure containing two or more levels, which is used to shelter or store motor vehicles.

PARKING LOT, SURFACE- A parking facility, area or lot that is used as a commercial enterprise for the parking of motor vehicles.

Existing Definition:

Governmental Use- Municipal, county, state or federal government buildings or facilities designed and intended to be occupied by the government or designed and intended for public use sponsored by such governments.

Maybe delete the following:

RECREATION, ACTIVE-Those recreational pursuits which require physical alteration to the area in which they are performed. Such areas are intensively used and include, but are not limited to, playgrounds, ball courts, and swimming pools.

RECREATION, PASSIVE-Recreational pursuits which can be carried out with little alteration or disruption to the area in which they are performed. Such uses include, but are not limited to, hiking, biking and picnicking.

AND ADD:

RECREATIONAL USES- An active or passive recreational use designed to accommodate physical, leisure, sporting or relaxation activities on land or water. Recreational uses may include, basketball, baseball, football, bicycling, walking, jogging, running, golfing, fishing, boating, hunting, hockey, skating, skateboarding, soccer, swimming, tennis, volleyball, racquetball, exercise/fitness, bowling, billiards, bird watching, picnicking or any other similar recreational uses, as determined by the Zoning Officer.

Add definition:

Hookah bar/lounge: Any establishment that is dedicated, in whole or in part, to the smoking of a water pipe with a smoke chamber, a bowl, a pipe and a hose, commonly referred to as a "hookah," and also known as a narghile, shisha, hubble-bubble, and goza, or any similar device.

12/09/2022

Category	C-3 Zoning District
Purpose	to provide for retail and service uses in an area of the Township accessible to a regional highway system. The C-3 District establishes standards for a unified and organized arrangement of buildings, service and parking areas, to facilitate access management and provide for safe, convenient and attractive commercial activity in the Township.
By-Right	<p>(1) Business or professional office, bank or other financial institution, passenger station for public transportation.</p> <p>(2) Individual retail store or shop for sale of food, groceries, drugs, dry goods, clothing, furnishings and other household supplies, variety, electronic goods and supplies, automotive supplies, general merchandise, hardware and garden supplies, provided that no sale or dispensing of gasoline or other fuels and no adult-oriented use shall be permitted.</p> <p>(3) Eating and drinking establishment, confectionery shop, bakery, or other place serving food or beverages.</p> <p>(4) Personal service establishment, including but not limited to barbershop, beauty salon, shoe repair, tailor, dressmaker, repair of small appliances or electronic goods, or dry-cleaning service.</p> <p>(5) Retail or wholesale establishment for the sale of plumbing and heating equipment and supplies, lumber yard, including the customary storage and work yards incidental thereto.</p> <p>(6) Educational or religious use.</p> <p>(7) Cultural studio or facility.</p> <p>(8) Medical marijuana dispensary.</p> <p>(9) By-Right Uses allowed in the C1 district</p> <p>(10) Passenger station for public transportation,</p>
Conditional Use	<p>(1) (4) Any two or more principal uses otherwise permitted by right, conditional use, or special exception as provided herein. As a condition of conditional use approval, the Board of Supervisors may require that any application for a combination of two or more principal uses comply with the provisions of § 200-70 of this chapter, as deemed applicable by the Board.</p> <p>(2) Day-care center.</p> <p>(3) Hotel or motel.</p> <p>(4) Bed-and-breakfast inn.</p> <p>(5) Bowling lanes, indoor theater, and other place of indoor amusement or recreation.</p> <p>(6) Sale or dispensing of gasoline as a principal or accessory use.</p> <p>(7) Vehicular sales establishment and sale of farming equipment in operable condition, provided that any used motor vehicle and any used trailer over 1,000 pounds shall bear a current state inspection sticker.</p> <p>(8) Sale or bulk storage of coal, petroleum or other fuels, excluding, however, combustible trash or waste.Reserved.</p> <p>(9) Vehicular service establishment; service and minor repairs to motor-driven vehicles and farming equipment, but not including body or fender repair, painting or major overhauling.</p> <p>(10) Car wash.</p> <p>(11) Adaptive reuse for historic preservation where indicated as a use subject to approval by the Board of Supervisors as a conditional use in accordance with Section 200-72.1.</p> <p>(12) Mixed-use dwelling.</p> <p>(13) Laboratory for scientific research and development.</p> <p>(14) Public recreational facilities, not accessory to a residential use, such as swim clubs, tennis courts and similar facilities, excluding however outdoor athletic fields</p>
Accessory Use	Accessory uses. In the C-3 Highway Commercial District, a building may be erected, altered or used, and a lot may be used or occupied for any customary commercial accessory use(s) provided that they are incidental to any permitted principal use

12/09/2022

Special Exception	(1) Municipal or public uses; governmental or public utility building or uses. (2) Conversion of dwellings as set forth in § 200-63 Reserved.
Other	Adaptive reuse for historic preservation where indicated as a use by right in accordance with § 200-72.1.

Category	Limited Industrial District
Purpose	to provide for limited industrial and other related intensive activities in the Township, to encourage the establishment of industrial uses which will offer additional employment opportunities and an increased tax base for the Township ; to establish reasonable standards governing industrial development to ensure its compatibility with the character of the area and adjacent land uses, and to locate industrial uses within close proximity to major roads in order to provide safe and efficient access by industrial-related traffic.
By-Right	<p>A. Assembly of office equipment and electrical appliances and supplies; and similar processes not to include the manufacturing of iron, steel, other metals or alloys, or metal processing.</p> <p>B. Manufacture of light industrial products from already prepared materials (such as wood, metal, cloth, leather, paper, plastic, glass); manufacture of professional, scientific, or electronic instruments; jewelry; watches, small appliances, and similar products.</p> <p>B.1. Medical marijuana grower/processor.</p> <p>C. Research, engineering, or testing laboratories.</p> <p>D. Public utility operating facilities.</p> <p>E. Printing or publishing establishment.</p> <p>F. Office building.</p> <p>G. Wholesale warehouse, and distribution.</p> <p>H. Churches/religious uses.</p> <p><u>I. By-Right Uses allowed in the C1 and C3 districts</u></p>
Conditional Use	<p><u>(1) (4)</u> Surface mining operations.</p> <p>(2) Sanitary landfills.</p> <p>(3) Junkyard.</p> <p>(4) Recycling collection center, excluding processing or transfer station.</p> <p>(5) Motor vehicle body or fender repair, including painting or major overhauling.</p> <p>(6) A helicopter landing pad as an accessory use to any of the uses permitted by right, by conditional use or by special exception, when such accessory use is authorized by conditional use procedure and providing that any such accessory use shall comply with the following: {(a) – (f) Helicopter specific requirements, not included in this summary}</p> <p>(7) Indoor health spas, fitness centers, indoor bowling lanes, indoor tennis courts and indoor skating rinks subject to all applicable requirements of the L-1 District and all other requirements of the Township's existing ordinances.</p> <p>(8) Tower-based wireless communication facilities.</p> <p>(9) Adult-oriented use, where located not less than 500 feet from any similar use and from any residence, church, or public or private school or day-care facility.</p> <p>(10) Municipal or public uses; governmental or public utility building or uses.</p> <p><u>(11) Laboratory for scientific research and development.</u></p> <p><u>(12) Public recreational facilities, not accessory to a residential use, such as swim clubs, tennis courts and similar facilities, excluding however outdoor athletic fields</u></p> <p>the following additional uses shall be permitted when established on a property designated by the Township as a Class I or Class II Historic Resource, where historical building(s) shall be adaptively re-used, and where an economic development license has been issued by the Board of Supervisors for the purpose of local economic</p>

12/09/2022

	development: (1) Bakeries. (2) Retail sales. (3) Restaurants; including tavern, brew pub, confectionary, ice cream stand, diner, sandwich or pizza parlor providing both dining and take-out service. (4) Adaptive reuse for historic preservation where indicated as a use subject to approval by the Board of Supervisors as a conditional use in accordance with Section 200-72.1.
Accessory Use	(1) Customary industrial accessory uses.
Special Exception	Any use similar to the above permitted uses not specifically provided for herein, provided that the use meets the performance requirements of § 200-82 of this chapter <u>Reserved</u> .
Other	Adaptive reuse for historic preservation where indicated as a use by right in accordance with § 200-72.1.

UPPER UWCHLAN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE _____ - _____

**AN ORDINANCE OF THE TOWNSHIP OF UPPER UWCHLAN,
CHESTER COUNTY, PENNSYLVANIA, AMENDING
CHAPTER 77 OF THE UPPER UWCHLAN TOWNSHIP CODE
TITLED “ENERGY SYSTEMS, ALTERNATIVE” TO AMEND
SECTION 77-3 TITLED “PERMITTED AND PROHIBITED
DISTRICT USES” AND SECTION 77-5 TITLED “GENERAL
PROVISIONS”.**

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of Upper Uwchlan Township that Chapter 77 of the Upper Uwchlan Township Code, titled “Energy Systems, Alternative”, shall be amended as follows:

SECTION 1. Section 77-3, titled, “Permitted and prohibited district uses” shall be amended to read as follows:

“§ 77-3. Permitted and prohibited district uses.

Unless otherwise provided herein and subject to the regulations in this Chapter 77, solar energy systems, wind energy systems and geothermal energy systems shall be allowed as an accessory use in all zoning districts.

A. Solar and wind energy systems are specifically prohibited in the following areas:

- (1) All areas designated as public open space, whether general public or homeowners' association owned open space, or as specified in the Comprehensive Plan, or in third party conservation or agricultural preservation easements.
- (2) Wastewater reclamation areas.
- (3) Greenways, as designated in the Comprehensive Plan.
- (4) Riparian buffer areas.

B. Wind energy systems shall be allowed as follows:

- (1) Wind energy systems shall be prohibited in the C-1 Village District, the PI Planned Industrial/Office District and any historical districts designated by the Board of Supervisors in the Zoning Ordinance.
- (2) Wind energy systems shall be allowed in the C-3, LI- Limited Industrial, R-1, R-2, R-3 and R-4 Districts as an accessory use by conditional use of the Board of Supervisors subject to the criteria in § 77-7, Wind energy systems, of this chapter.

C. Geothermal systems are specifically prohibited in the following areas:

- (1) C-1 Village District and historical districts designated by the Board of Supervisors in the Zoning Ordinance.

SECTION 2. Section 77-5.A shall be amended as follows:

“§77-5.A. Alternative energy systems shall provide power for the principal use on the property whereon the system is located and limited by design to 125% of the historical peak power usage of the property, or 50 kWe, whichever is less, not including electric vehicle charging capacity. Alternative energy systems shall not be for the principal use of generation of power for commercial purposes.”

SECTION 3. Section 77-5.D shall be amended as follows:

“§77-5.D. Systems may be installed in the side yard or rear yard on the property as defined in Chapter 200, Zoning, of the Upper Uwchlan Code. Solar systems may be installed on the roof facing the front yard.”

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 five (5) days following the enactment as by law provided.

ENACTED AND ORDAINED this ____ day of _____, 2023.

ATTEST:

**UPPER UWCHLAN TOWNSHIP
BOARD OF SUPERVISORS**

Gwen A. Jonik, Secretary

Sandra M. D’Amico, Chair

Jennifer F. Baxter, Vice-Chair

Andrew P. Durkin, Member



UPPER UWCHLAN TOWNSHIP
140 Pottstown Pike
Chester Springs, PA 19425
610-458-9400 Fax 610-458-0307

CONDITIONAL USE APPLICATION

Tax Parcel Number: 32-3-81.12 Date: May 2, 2023

Name of Applicant: 260 Sierra Drive LP c/o Hankin Group

Address: 707 Eagleview Boulevard, Exton PA 19341

Telephone: (610) 458-1900 Email: neal.fisher@hankinggroup.com

Owner of Parcel: 260 Sierra Drive LP

Address / Location of Parcel: 260 Sierra Drive

Zoning District: PI Existing Use: See attached Addendum

Article / Section Authorizing Conditional Use: 200-49.M(1)

Description of Proposed Conditional Use: See attached Addendum

This Application shall be accompanied by:

1. A fee of \$500.00 for Non-Commercial or \$1,000.00 for Commercial/Industrial;
2. Four (4) printed copies and an electronic copy of:
 - parcel plot plans (half of which can be of reduced size, i.e. 11 x 17)
3. Three (3) printed copies and an electronic copy of:
 - impact statements (if applicable pursuant to the Township's Zoning Ordinance §200-83),
 - and any other information pursuant to Zoning Ordinance §200-116, §200-117 (Conditional Uses, Conditional Use Standards).

- The Applicant will be responsible for reimbursing the Township for Consultants' Fees and Legal Fees, and if additional Hearings are necessary, a Fee will be charged for each Additional Hearing:
Non-Commercial \$250.00/Hearing; Commercial/Industrial \$500.00/Hearing

I hereby depose and say that all of the above statements, and the statements contained in any papers submitted herewith, are true to the best of my knowledge and belief.

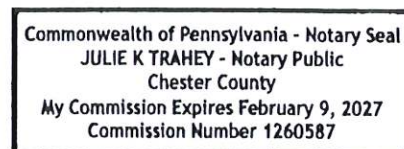
Neal FISHER
Printed Name of Applicant

Neal Fisher
Signature of Applicant

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CHESTER

Sworn to and subscribed before me this
2 day of May, 2023

Julie K Trahey
Notary Public



260 SIERRA DRIVE CONDITIONAL USE APPLICATION ADDENDUM

May 2, 2023

260 Sierra Drive LP c/o the Hankin Group ("Applicant") is the owner of an approximately 26.505 acre property, known as Lot 1B in the Eagleview Corporate Center, located at 260 Sierra Drive and identified as Chester County UPI No. 32-3-81.12 ("Property"). The Property is zoned PI Planned Industrial/Office District and is improved with a 79,005 s.f. flex building currently used for manufacturing, warehousing, laboratory for scientific research and development, and offices. All of these uses, except for manufacturing, are permitted by right in the PI District. Manufacturing is permitted by conditional use.

On June 14, 2016, the Upper Uwchlan Township Board of Supervisors granted the Applicant's predecessor-in-title, the Hankin Group, conditional use approval for manufacturing of silicone hydrogel by DSM Biomedical ("DSM") or any successor company to DSM within a maximum of 30,000 s.f. of the building. Although a maximum of 30,000 s.f. of the building was approved for the manufacturing use, DSM anticipated utilizing 20,500 s.f. for the manufacturing use. In the intervening years, less than the total square footage previously approved for manufacturing use was utilized. Accordingly, Applicant is now seeking conditional use approval pursuant to Section 200-49.M(1) to utilize a portion of the existing space DSM occupies in the building for a different manufacturing use, which is the manufacture of Seprafilm, an adhesion medical barrier device. Seprafilm is currently manufactured in Massachusetts and the manufacturing operation would move to the Property. The total square footage of manufacturing in the portion of the building utilized by DSM would be 28,060 s.f. which would include the existing silicone hydrogel manufacturing use and the proposed Seprafilm manufacturing use.

The Township had approved a total square footage of the building of 80,505 s.f. at time the silicone hydrogel manufacturing use was approved. Applicant is now proposing to construct the additional 1,500 s.f. building which would be utilized for warehousing (a use permitted by right in the PI District). A total of 224 parking spaces are required for the four uses in their proposed configuration in the building. A total of 312 parking spaces were previously approved (with 54 parking spaces identified as future parking spaces). Applicant proposes to remove seven of the existing parking spaces and to place electrical equipment in the area of the parking spaces, resulting in a total of 305 parking spaces. The existing site conditions, proposed parking changes, and building addition are shown on the enclosed Conditional Use Plan prepared by Chester Valley Engineers, Inc. dated April 19, 2023.



TRAFFIC PLANNING AND DESIGN, INC.

WWW.TRAFFICPD.COM

May 2, 2023

Mr. Neal Fisher
The Hankin Group
707 Eagleview Boulevard
Exton, PA 19341

RE: Eagleview – Lot 1B (260 Sierra Drive)

Upper Uwchlan Township, Chester County, PA
TPD# HANK.00007

Dear Mr. Fisher:

As requested, Traffic Planning and Design, Inc. (TPD) has completed a traffic analysis in conjunction with the proposed Eagleview Lot 1B development. The site is located on the western side of Stockton Drive, with access via an extension of Sierra Drive in Upper Uwchlan Township, Chester County, Pennsylvania. The Lot 1B development will consist of an 80,505 square foot (s.f.) office building.

PREVIOUSLY ASSUMED USES

TPD previously prepared the 3/7/08 Traffic Analysis and subsequent 5/9/08 Traffic Response Letter for the subject site, both of which were based on an 80,000 s.f. building with access as currently proposed. The 5/9/08 letter assumed that the building would consist of 32,000 s.f. of office and 48,000 s.f. of warehouse space, with the following peak hour trip generation based on the manual Trip Generation, Seventh Edition, 2003, an Institute of Transportation Engineers (ITE) Informational Report. The trip generation of the previously assumed uses are summarized in **Table 1** below.

TABLE 1
FORMER PROPOSED USES
TRIP GENERATION SUMMARY

Time Period	Total Trips
Weekday A.M. Peak	72
Weekday P.M. Peak	71

PROPOSED USES

Per the Conditional Use Plan, it is TPD's understanding that there is a proposed 80,505 s.f. building will consist of 40,336 s.f. of Manufacturing, 28,118 s.f. of Research and Development, 5,910 s.f. of Warehouse, and 6,141 s.f. of Office.

The trip generation rates for the proposed building were obtained from the current manual *Trip Generation*, Eleventh Edition, 2021, an Institute of Transportation Engineers (ITE) Informational Report. For the proposed building, Land Use Codes 140 (Manufacturing), 760 (Research and Development Center), 150 (Warehousing), and 710 (General Office Building) from *Trip Generation* was used to calculate the number of vehicular trips the development will generate during the weekday A.M. and P.M. peak hours. **Table 2** shows the rates for the analyzed time periods.

**TABLE 2
PROPOSED LOT 1B
TRIP GENERATION DATA**

Land Use - ITE #	Time Period	Equation	Total Trips
Manufacturing - #140	A.M. Peak	$T = 0.68*(X)$	27
	P.M. Peak	$T = 0.74*(X)$	30
Research and Development Center - #760	A.M. Peak	$T = 1.03*(X)$	29
	P.M. Peak	$T = 0.98*(X)$	28
Warehousing - #150	A.M. Peak	$T = 0.17*(X)$	1
	P.M. Peak	$T = 0.18*(X)$	1
Office - #710	A.M. Peak	$T = 1.52*(X)$	9
	P.M. Peak	$T = 1.44*(X)$	9
Total	A.M. Peak	---	66
	P.M. Peak	---	68

Table 3 compare the former weekday A.M. and P.M. peak hour trip generation of the former and proposed uses of the site.

**TABLE 3
TRIP GENERATION COMPARISON**

Time Period	Total Trips	
	Former Site	Proposed Site
Weekday A.M. Peak	72	66
Weekday P.M. Peak	71	68

As shown in **Table 3**, during the weekday A.M. and P.M. peak hour, the proposed Lot 1B trip generation is comparable, but slightly less than the former assumed Lot 1B uses. Therefore, the proposed Lot 1B building will be comparable to the previously approved building from a traffic perspective.

Also, please note, ITE defines the manufacturing use as, "A manufacturing facility is an area where the primary activity is the conversion of raw materials or parts into finished products. Size and type of activity may vary substantially from one facility to another. In addition to the actual production of goods, a manufacturing facility typically has an office and may provide space for warehouse, research, and associated functions. Therefore, ITE's definition of Manufacturing includes all the proposed site uses. Utilizing ITE's trip generation rates for the entire 80,505 s.f. building as opposed to the separate uses outlined in **Table 2**, will result in 55 total trips during the weekday A.M. peak hour, and 60 total trips during the weekday P.M. peak hour. This alternative trip generation evaluation is also comparable, but less than the previously approved trip

generation for the site.

Please do not hesitate to contact us if you have any questions or comments.

Sincerely,

TRAFFIC PLANNING AND DESIGN, INC.



Guido W. DiMartino, P.E.

Regional Leader – Transportation Planning



May 31, 2023

File No. 03-0987T6

Upper Uwchlan Township
140 Pottstown Pike
Chester Springs, PA 19425

Attention: Tony Scheivert, Township Manager

Reference: Eagleview Lot 1B
DSM Conditional Use Application Review
Upper Uwchlan Township, Chester County, PA

Dear Tony:

Gilmore & Associates, Inc. (G&A) is in receipt of the following information prepared and submitted by Riley, Riper, Hollin & Colagreco on behalf of The Hankin Group, the applicant:

- Plan titled, "Sketch Plan Eagleview Lot 1B", prepared for The Hankin Group, by Chester Valley Engineers, Inc., dated April 19, 2023.
- Traffic Study prepared by Traffic Planning & Design, dated May 2, 2023
- Conditional Use Application dated May 2, 2023

The subject site is comprised of one (1) parcel (TMP 32-3-81.12) located south of the Pennsylvania Turnpike (I-76) with access from Sierra Drive. The property is located in the PI Planned Industrial/Office District.

G&A, as well as McMahon & Associates have completed our first review of the above referenced conditional use and wish to submit the following comments for your consideration.

I. OVERVIEW

The Applicant has submitted this application to request a modification to the use in a portion of the existing flex building. To support this change, there is a 1,500 SF addition proposed for

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

Gilmore & Associates, Inc.
Building on a Foundation of Excellence
www.gilmore-assoc.com

Reference: Eagleview Lot 1B
DSM Conditional Use Application Review
Upper Uwchlan Township, Chester County, PA

File No.: 03-0987T6

May 31, 2023

warehousing as well as the construction of a new electrical pad which will necessitate the removal of seven (7) parking spaces. There are no other site modifications proposed as part of this application.

II. TOWNSHIP ENGINEERS COMMENTS
GILMORE & ASSOCIATES

1. As stated above, this application proposes the removal of seven (7) parking spaces. Since the provided parking (305) will still well exceed the required parking (231) after their removal, we do not see this as an issue.
2. It appears the existing generator pad is in conflict with the proposed 1,500 SF addition. We discussed this matter with the Applicant, and they will address during the building permit process.

III. TOWNSHIP TRAFFIC ENGINEERS COMMENTS
MCMAHON & ASSOCIATES

1. The applicant's traffic engineer prepared a trip generation evaluation to estimate the site trips to reflect the change in uses within the Lot 1B building. Furthermore, based on another the recent trip generation evaluation for Lot 1A, the trip generation for the total current mix of uses within the Upper Uwchlan portion of the Eagleview Corporate Center (including Lot 1B) is less than the total trip generation contained in the original master plan traffic study. As a result, our office has no concern regarding the anticipated trip generation associated with the change in uses within the Lot 1B building. However, please keep in mind that future trip generation evaluations for the Upper Uwchlan portion of the Eagleview Corporate Center should be based on the trip generation equation methodology in order to be consistent with ITE procedures. Please contact our office prior to completing future trip generation evaluations for other planned developments within the Eagleview Corporate Center in order discuss the trip generation methodology.
2. ZO Section 200-73.H – The plan proposes to remove seven existing parking spaces to accommodate new electrical equipment; however, even with this slight parking reduction, the resultant total parking supply continues to exceed the parking supply requirements.

Reference: Eagleview Lot 1B
DSM Conditional Use Application Review
Upper Uwchlan Township, Chester County, PA

File No.: 03-0987T6
May 31, 2023

3. The Lot 1B development is subject to a transportation contribution equal to \$0.35 per square-foot of office space and \$0.20 per square-foot of warehouse space, and this contribution must be paid at the time of building permit issuance. This fee should be applied to the proposed 1,500 square-foot warehouse building expansion.

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.

This concludes our first review of the above referenced conditional use application. We would recommend the plans be revised to address the above referenced comments as well as any raised by the Planning Commission and the Board of Supervisors. 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 Board of Supervisors (via email only)
Upper Uwchlan Planning Commission (via email only)
Gwen Jonik – Township Secretary
Rhys Lloyd – Director of Code Enforcement
Anthony Campbell – Zoning Officer
Richard Ruth – Township Fire Marshall
Kristin Camp, Esq. – BBM&M, LLC
Chris Williams, McMahon Associates (via email only)
Neal Fisher, The Hankin Group (via email only)
Alyson Zarro, Esq. – RRH&C (via email only)



260 SIERRA DRIVE

Essential Medical
A Teleflex Company

Lungpacer

DSM

PUBLIC NOTICE

AFFIDAVIT OF POSTING

I, Anthony Campbell, Zoning and Code Officer, hereby attest that on the 19th day of May, 2023, I posted notice of a conditional use hearing of the Board of Supervisors of Upper Uwchlan Township scheduled for June 13, 2023 at 5:00 p.m. to consider the application filed by 260 Sierra Drive LP for property known as Lot 1B in the Eagleview Corporate Center, located at 260 Sierra Drive, UPI No. 32-3-81.12.

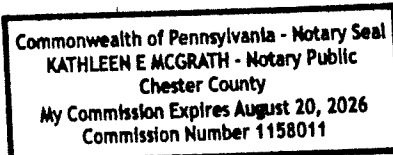
A photograph of the posting is attached hereto.

The statement is made subject to the Penalties of 18 Pa.C.S.A. Section 4904, relating to unsworn falsification to authorities.

Anthony Campbell
Zoning & Code Officer

Sworn to and subscribed
before me this 19th
day of May, 2023

Kathleen E McGrath
NOTARY PUBLIC



My Commission Expires: August 20, 2026