



UPPER UWCHLAN TOWNSHIP
BOARD OF SUPERVISORS
WORKSHOP,
CONDITIONAL USE HEARING

January 9, 2024
5:00 p.m.

REVISED AGENDA
(Addition in italics)

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. Environmental Advisory Council -- Junior Member Appointments
Sonya Patel, Grace Janczak
- III. *Zoning Hearing Application ~ Keystone Outdoor Advertising Co., Inc. ~ Discussion*
- IV. C3 and LI Zoning District Uses ~ Discussion
- V. Open Session
- VI. Adjournment
- VII. **5:30 p.m.** CONDITIONAL USE HEARING: Hankin Group re: 770 Pennsylvania Drive



UPPER UWCHLAN TOWNSHIP

TO: Board of Supervisors

CC: Gwen Jonik

FROM: Tony Scheivert, Township Manager

RE: EAC Junior Members

DATE: January 5, 2024

On December 5th the members of the Environmental Advisory Council interviewed four interested candidates for the position of Junior EAC member. All four did a great job and the EAC had a difficult decision picking two candidates to present to the Board of Supervisors to be appointed junior members. After much deliberation the EAC selected Grace Janczak and Sonya Patel to be considered for the position of Junior EAC member. If appointed Grace and Sonya will attend their first EAC meeting on Tuesday, January 9th.



Upper Uwchlan Township

NOTICE is hereby given that the Upper Uwchlan Township Zoning Hearing Board will hold a public hearing on Wednesday, January 17, 2024, at 7:00 PM, at the Upper Uwchlan Township Building, 140 Pottstown Pike (Route 100), Chester Springs, Chester County, PA, to consider the Application of Keystone Outdoor Advertising Co., Inc., c/o Vincent B. Mancini, Esquire of Mancini & Kodumal, PLLC, 414 East Baltimore Pike, Media, PA 19063, for certain billboard structure variances at two locations on premises owned by Eaglepointe Development Assoc., L.P., of 120 Pennsylvania Avenue Malvern, PA 19355, and known as 1955 Ticonderoga Boulevard, Upper Uwchlan Township ("Premises").

Applicant seeks variances for the lease of two locations, each location to support a separate billboard structure having double-faced fourteen feet by forty-eight feet (14' x 48') signs, one sign on each structure to be a "static" or "vinyl" copy, and the other sign face on the same structure would be digital.

Specific variances requested from the sign provisions of Section 200.98.1(1) of the Upper Uwchlan Township Zoning Ordinance are:

1. A height variance from the maximum height of thirty feet (30') to allow a height of fifty-nine feet (59') above grade for both billboard structures.
2. Variances from Section 200.98.1(4) and (5), to wit:
 - a. Variance from the turn-off of illumination between 10:00 PM and 6:00 AM; and
 - b. A variance authorizing the LED fixtures to be placed at the bottom of the sign instead of at the top of the sign.

The Premises is situated in the LI-Limited Industrial Zoning District being Tax Parcel 32-3-69.

An opportunity will be afforded to all persons in attendance to address the Zoning Hearing Board in this matter. If you are a person with a disability and wish to attend the hearing on the date set forth above, and require an auxiliary aid, service or other accommodation to observe or participate in the proceedings, please contact the Township Secretary at (610) 458-9400 to discuss how the Township of Upper Uwchlan may best accommodate your needs.

E. Craig Kalemjian, Esquire
Solicitor

UPPER UWCHLAN TOWNSHIP
CHESTER COUNTY, PA

APPLICATION TO THE ZONING HEARING BOARD

TAX PARCEL NO. 32-3-69

DATE November 13, 2023

I, Vincent B. Mancini, Esquire, attorney for Applicant, hereby makes an appeal for a variance/special exception
(cross out one)

From the terms of Chapter 200, of the Upper Uwchlan Township Zoning Ordinance
of 1989, as amended.

Name of Applicant: <u>Keystone Outdoor Advertising Co., Inc.</u>	Owner of Parcel: <u>Eaglepointe Development Assoc., L.P.</u>
Address: <u>c/o Vincent B. Mancini, Esquire</u>	Address: <u>120 Pennsylvania Avenue</u>
<u>Mancini & Kodumal, PLLC</u>	<u>Malvern, PA 19355-2418</u>
<u>414 E. Baltimore Pike</u>	
<u>Media, PA 19063</u>	
Tel No: <u>(610) 566-8064</u>	Tel No: _____
Email: <u>vmancini@vmancinilaw.com</u>	Email: _____

Zoning District: LI-Limited Industrial District

A brief description and location of the Real Estate to be affected by proposed change.

Eaglepointe Development Associates, L.P., is the owner of a certain parcel of land comprised of approximately 26.72-
acres fronting on the Pennsylvania Turnpike and known as 1955 Ticonderoga Boulevard, Upper Uwchlan Township,
Chester County, Pennsylvania, UPI Tax Parcel 32-3-69 (hereafter "Property"). See Addendum attached hereto and
made part hereof as Exhibit "A".

Present use and improvements on Real Estate in question.

See Addendum attached hereto and made part hereof as Exhibit "A".

Reasons appellant believes Board should approve appeal (refer to sections of Ordinance under which appeal may be
allowed, and reason why it should be granted. See Addendum attached hereto and made part hereof as Exhibit "A".

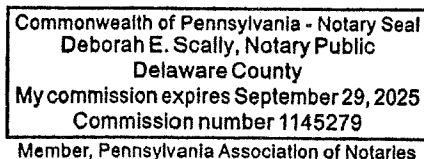
I hereby depose and say that all of the above statements, and the statement contained in any papers
submitted herewith, are true to the best of my knowledge and belief.

Sworn to and subscribed before me this 13th day of November, 2023.

MANCINI & KODUMAL, PLLC

Deborah E. Scally
(Notary Public)

By: Vincent B. Mancini
Vincent B. Mancini, Esquire
Attorney for Applicant,
Keystone Outdoor Advertising Company, Inc.



For Official Use

Date Received _____
Deposit Paid \$ _____
Munilogic # _____

EXHIBIT "A"

ADDENDUM TO APPLICATION TO ZONING HEARING BOARD

Applicant, Keystone Outdoor Advertising Company, Inc. (hereafter "**Keystone Outdoor**"), has entered into a contingent "Ground Lease Agreement" with Eaglepointe Development Associates, L.P. (hereafter "**Eaglepointe**") for the construction and operation of two (2) billboard structures on the property. Applicant has standing and authority to file, in its own name, the instant Application for Variances under Sections 6(b) and 10 of the Lease attached hereto as **Exhibit "3"**.

A true and correct copy of the **Deed of Eaglepointe's property** is attached hereto as **Exhibit "1"**. A **Site Plan** of the said property showing buildings and other improvements located on the property zoned L-I Limited Industrial District is attached hereto as **Exhibit "2"**. **Exhibit "2"** also shows the appropriate locations of the two (2) areas leased by Keystone Outdoor. A true and correct copy of the Lease between Eaglepointe ("Lessor") and Keystone Outdoor ("Lessee") is attached hereto and made part hereof as **Exhibit "3"**.

In Section 200-98.I., Upper Uwchlan Township Zoning Ordinance permits billboard signs within the L-I Limited Industrial District subject to Subsection provisions 200-98.I.(1) thru (12). Applicant proposes to construct two (2) billboard structures on Eaglepointe's property, each structure having one (1) internally illuminated digital face and one (1) externally illuminated static, vinyl change face, both measuring fourteen feet by forty-eight feet (14' x 48'). The two (2) proposed structures comply with all of the required conditions under Subsection 200-98.I.(1) thru (12) except for the following requested variances, per Section 200-125.I., for reasons expressed:

1. **Variance from Subsection 200-98.I.(1)** – Variances requested from the maximum height condition requiring a height from grade to top of sign is no greater than thirty feet (30'). Because of trees; elevation of the property relative to the Turnpike to which they will advertise to and other factors, Applicant is hereby requesting a variance of twenty-nine feet (29') to allow the signs a height of fifty-nine feet (59') to the top of the signs. The variances are needed to afford sufficient and safe view from Turnpike travel lanes due to physical conditions of the site relative to the physical location, configuration and speeds on the Turnpike.
2. **Variance from Subsection 200-98.I.(5) for External Illumination of "Static" Billboard Faces; and Distinction between "Static" and "Digital" Face Billboards:** The Township Zoning Officer has advised Applicants that under **Subsection 299-98.I.(5)**, **externally illuminated static billboard faces illumination** must be turned off at 10:00 p.m. until dawn. **Internally illuminated digital faces**, however, are permitted to be illuminated 24/7 provided that the digital faces shall have automatic dimming controls and will enable the digital face illumination to be dimmed to Township standards, especially from dusk until dawn. Keystone Outdoor's internally illuminated digital faces possess automatic photoelectric dimmers that reduce light intensity automatically as the ambient light decreases (i.e., such as cloudy days and especially between dawn until dusk).

Variance Requested for Static Faces - The two (2) "static faces", one (1) on each of the two (2) billboard structures will be illuminated with LED lights, to be placed at the bottom of the billboards face and the LED lighting can be directed solely on the static face side shielding. Keystone Outdoor requests a variance from the 10:00 p.m. turn off of illumination requirement on the static faces and to allow illumination from dusk until dawn. The LED exterior illumination of the static faces would not in any way adversely impact surrounding light-industrial uses nor are there any residential uses in the area that would be impacted by the LED exterior illumination of the static faces. The surrounding light-industrial uses maintain security lighting and sign illumination. Thus, the illumination of the static billboard will be consistent with surrounding conditions. Keystone Outdoor also posits that static billboards on the Turnpike typically illuminated from dusk until dawn and a cut-off of illumination at 10:00 p.m. would significantly prejudice Keystone with its competitors.

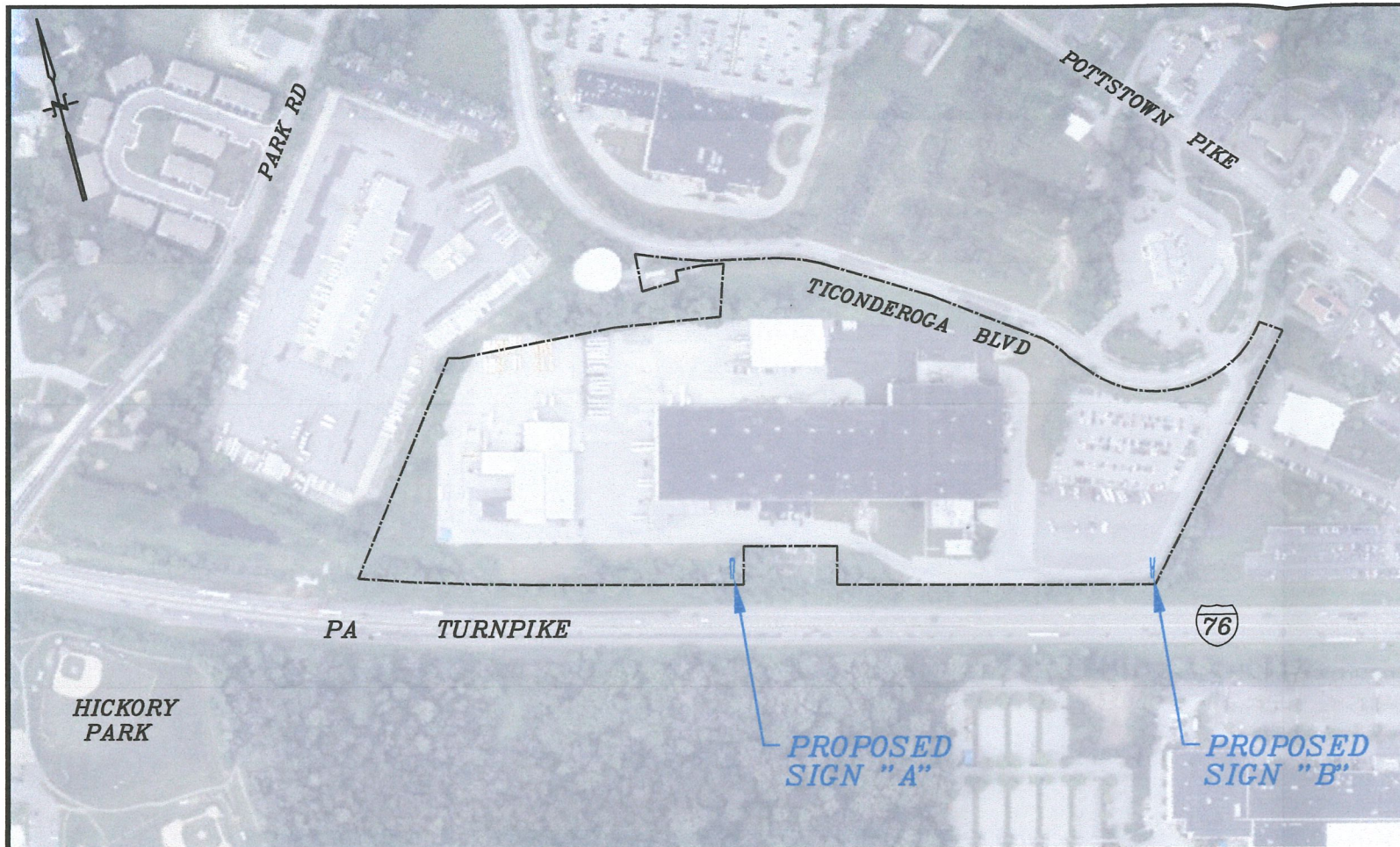
3. **Variance from Subsection 200-98.I.(4) requiring that externally illuminated static faces of billboard by fixtures "mounted at the top of the sign and aimed downward"**. The historical "flood lighting" by halogen lamps (which lighting could not be effectively focused and had a tendency of diffusing in many directions) are now being replaced with "LED external illumination fixtures", which can be direct and shielded so that direct illumination falls solely on the Billboard face.

As previously noted above, the two (2) billboard structures and sign faces thereon shall comply with all other provisions and conditions set forth under Subsection 200-98.I. other than those Subsections from which variances are requested. **Requested variances are necessary for the operation of the two (2) billboards by Keystone Outdoor and, that the grant of said variances are not detrimental in any way to the public health, safety and welfare; that such variances, if granted, will not adversely affect the use or enjoyment of surrounding properties and that the variances requested are the minimum variances necessary to afford relief for a reasonable operation of the two (2) billboard structures by Keystone Outdoor.**

MANCINI & KODUMAL, PLLC

By: 

Vincent B. Mancini, Esquire



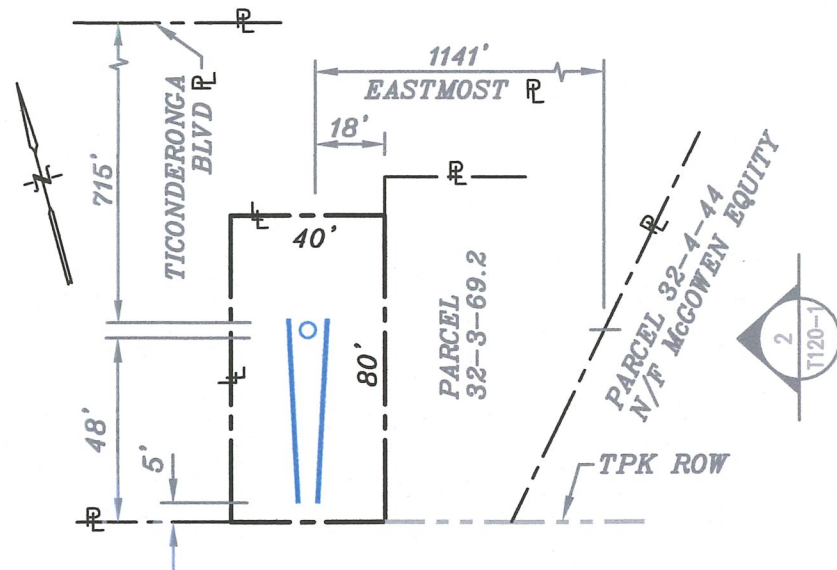
AERIAL VIEW

SCALE: 1" = 400'

0 400 FT

4

T120-1



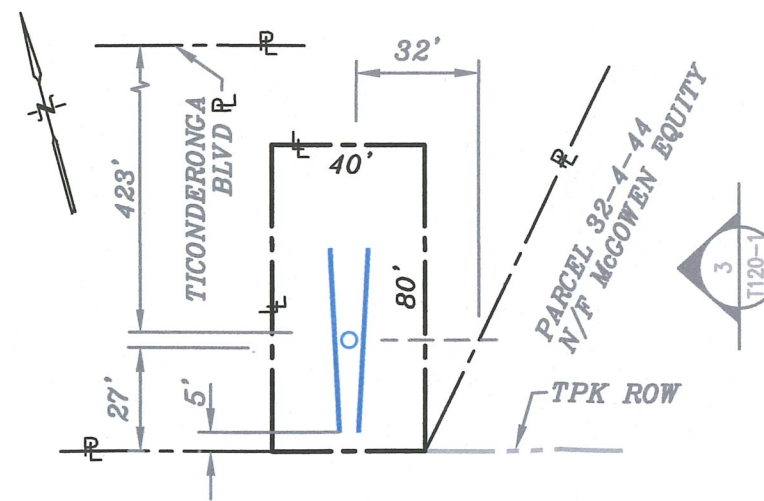
SIGN "A"

LEASE PARCEL 7

7

SCALE: NONE
(SEE REF G)

T120-1



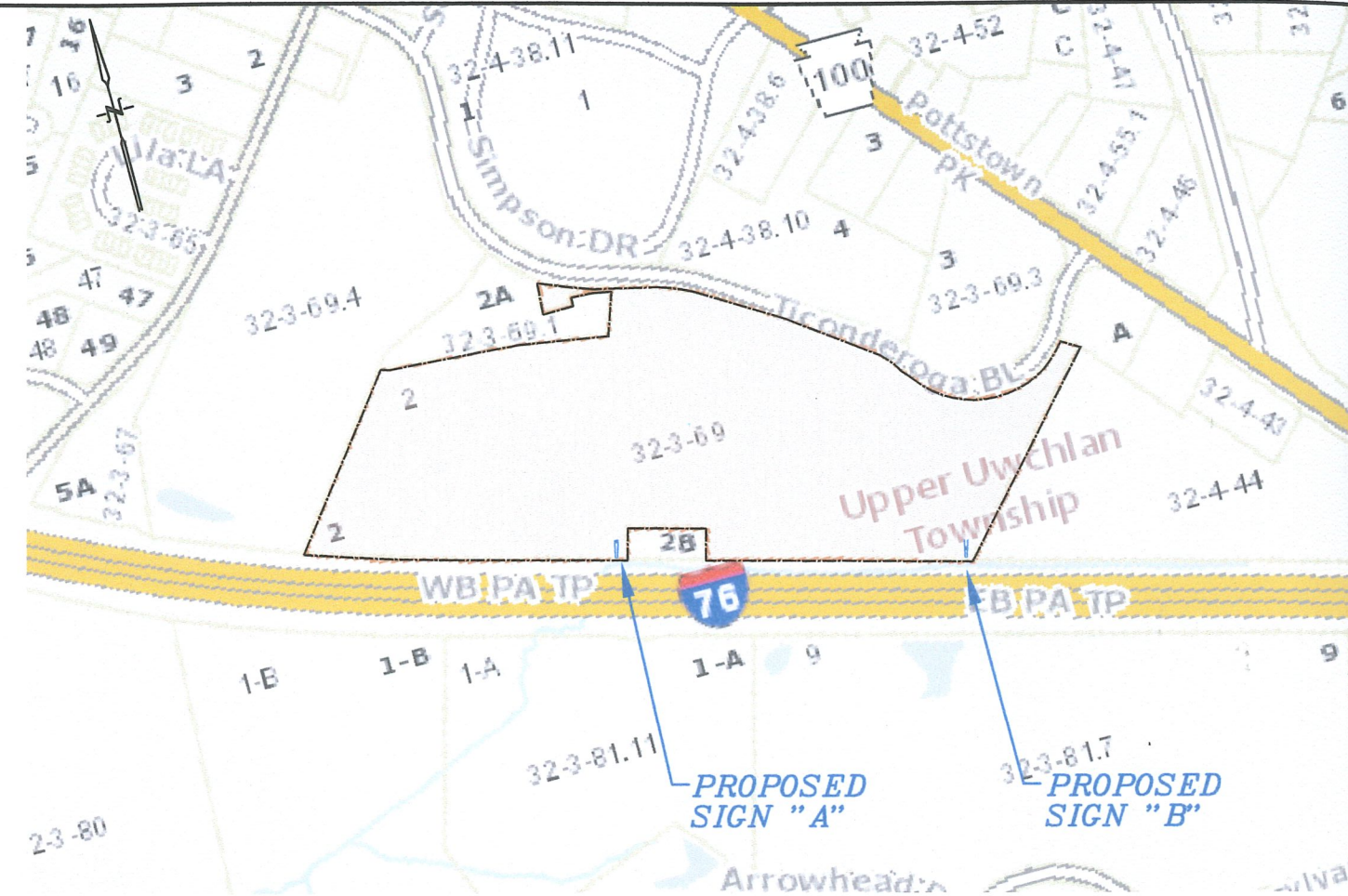
SIGN "B"

LEASE PARCEL 8

8

SCALE: NONE
(SEE REF G)

T120-1



TAX PARCEL MAP

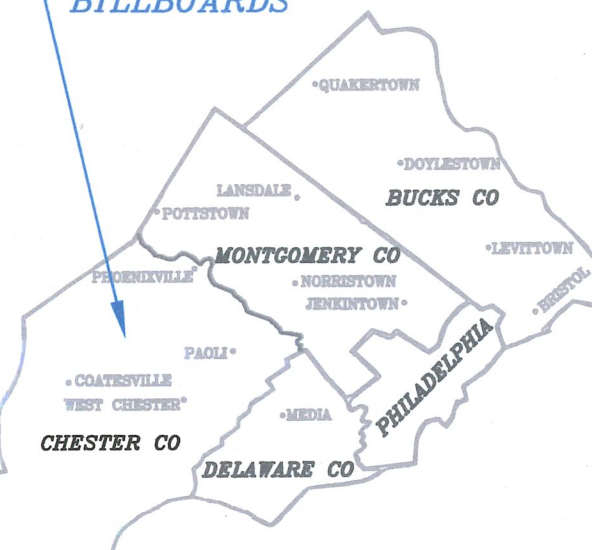
SCALE: 1" = 500'
(REF B)

0 500 FT

5

T120-1

PROPOSED
OUTDOOR
ADVERTISING
BILLBOARDS



POCS INFO
PA ACT 287

POCS 1.800.242.1776
SERIAL NO 20232423847
OBTAINED ON 30 Aug 2023

Aqua Pennsylvania, Inc
762 West Lancaster Avenue
Bryn Mawr, PA 19010-3402
Phone: 877.987.2782

Columbia Gas
204 Klein Road
Easton, PA 18040-6907

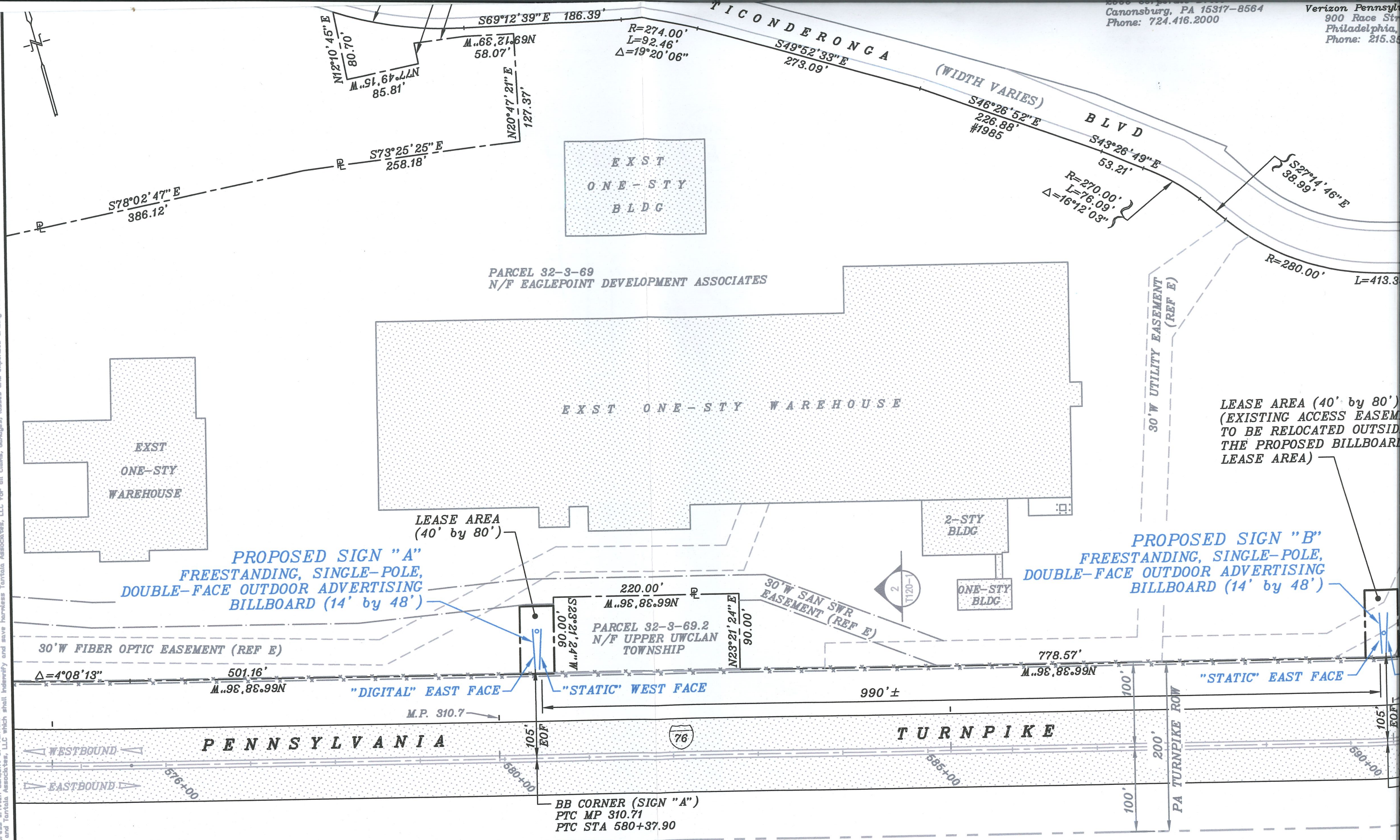
PECO Energy
c/o USIC,
450 South
Suite B
King of Pr
Phone: 484

Upper Uwchlan

reports, documents, specifications, computer files, field data, notes and other documents and instruments prepared by Tortula Associates, LLC as instruments of service shall remain the property of Tortula Associates, LLC and shall not be used for any other purpose without the express written consent of Tortula Associates, LLC. Tortula Associates, LLC shall not be liable for any damages, losses and expenses arising from the use thereof.

Canonsburg, PA 15317-8564
Phone: 724.416.2000

Verizon Pennsylvania
900 Race Street
Philadelphia, PA 19107
Phone: 215.381.1234



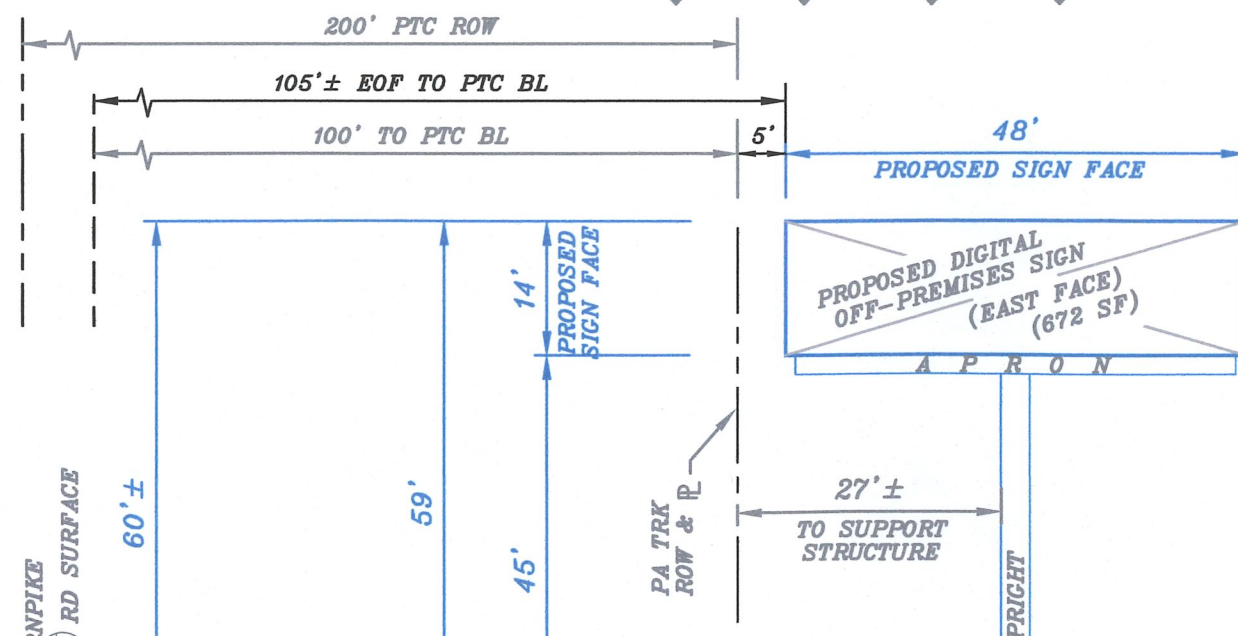
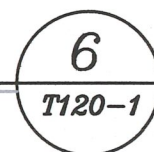
ZONING SIGN PLAN

SCALE: 1" = 100'
(NOT FOR TITLE PURPOSES)
(PROPERTY TRAVERSE AND EASEMENTS FROM REF A & E)

1
T120-1

ZONING MAP

SCALE: 1" = 600'
(REF C)



RECAP of ZONING STANDARDS

SECTION §200-98.1	STANDARD OAB (OUTDOOR ADVERTISING BILLBOARD)		REQUIRED/ ALLOWED	PROPOSED (±)		COMMENTS
				SIGN "A"	SIGN "B"	
(1)	SIZE OF SIGN (MAX)	SF	700	672	672	SATISFIED
		HEIGHT/SIGN (FT)	30	59	59	
		WIDTH BETWEEN FACES (FT)	45	15	15	SATISFIED
(2)	DISTANCE TO A PARK (MIN)		800	1,276	2,265	SATISFIED (TO HICKORY PARK)
(3)	LIGHTING OUTPUT		—	WILL COMPLY		SATISFIED
(4)	NO FLASHING, INTERMITTENT OR MOVING TYPE, FLOODLIGHTING SHALL BE SHIELDED. INTERNALLY ILLUMINATED SHALL NOT EXCEED 3000K		—	AS PERMITTED		
(5)	LIGHTING			AS PERMITTED		
(7)	MAX NO OF BILLBOARDS	NO/BILLBOARDS	2	2		SATISFIED
		FROM EACH OTHER	500	990		SATISFIED
		LOCATION FROM R TO SUPPORT	15	27' SOUTH R	48' SOUTH R	SATISFIED
				715' NORTH R	423' NORTH R	SATISFIED
				18' EAST R 1141' EASTMOST R	32' EAST R	SATISFIED
(8)	DISTANCE FROM OTHER BILLBOARDS		500	> 500	> 500	SATISFIED
(9)	MIN LOT FRONTAGE DIRECTLY ABUTTING THE PENNSYLVANIA TURNPIKE (FT)		300	1,686		SATISFIED
(10)	GROSS SIGN AREA			AS PERMITTED		
(11)	LI PARCELS OWNED BY THE TOWNSHIP			AS PERMITTED		
(12)	ANNUAL INSPECTION			AS PERMITTED		

RECAP of PennDOT STANDARDS

SECTION 167-445.4	STANDARD		REQUIRED/ ALLOWED	PROPOSED (±)		COMMENTS
				SIGN "A"	SIGN "B"	
(a)(3)	ZONED COMMERCIAL OR INDUSTRIAL AREAS ALONG THE PRIMARY SYSTEM		YES	LI		SATISFIED
(b)(1)	(i) MAX SIZE OF SIGNS	AREA (SF)	1,200	672	672	SATISFIED, PER FACE
		HEIGHT (FT)	20	14	14	SATISFIED
		LENGTH (FT)	60	48	48	SATISFIED
	(iii) MAX NO OF SIGNS PER FACING		1 OR 2	2		DOUBLE-FACED
(b)(2)(ii)	SPACING BETWEEN SIGNS (FT) (ALONG NONLIMITED ACCESS HIGHWAYS ON THE PRIMARY SYSTEM OUTSIDE CITIES		300 MIN	> 300	> 300	
(b)(3)	LIGHTING OF SIGNS		VARIOUS	WILL COMPLY		
(b)(4)	GENERAL PROVISIONS		VARIOUS	WILL COMPLY		

REFERENCES:

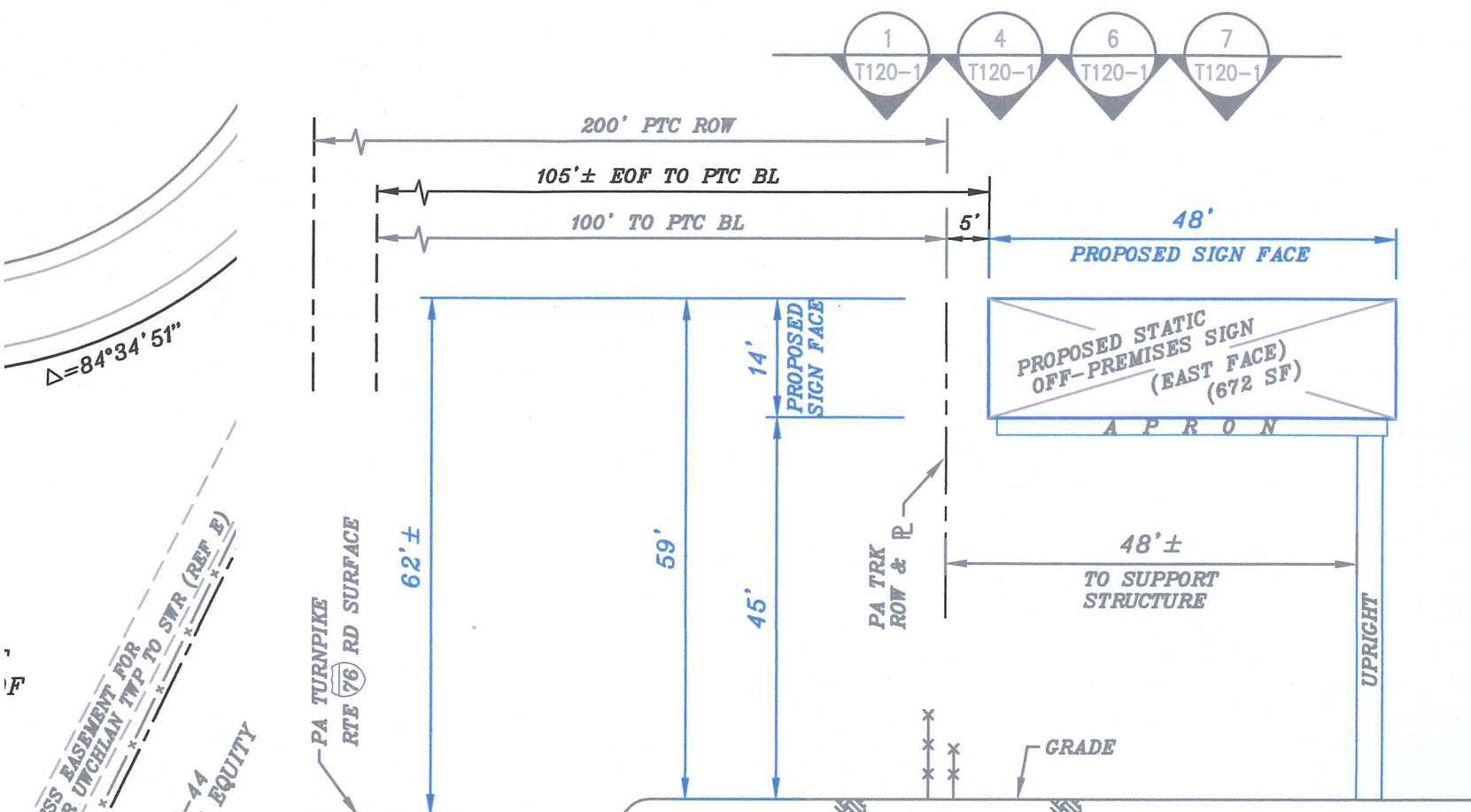
- A. Deed dated 1May1993, Deed Book 3551, Page 817, Recorder of Deeds Chester County, 6 Pages
- B. County of Chester Tax Map, Exhibit NO A, Map Created 20Jun2023 (Parcel NO 32-3-69)
- C. Official Zoning Map Upper Uwchlan Township, Chester County, Revised 17Apr2023
- D. Flood Insurance Rate Map (FIRM), Map NO 42029C0090G, Map Revised 29Sep2017, Panel 90

SIGN "B" SIGN-FACE ELEVATION

3

T120-1

SCALE: 1" = 20'
(VIEW LOOKING WESTWARD) (SEE ZONING NOTE 6)

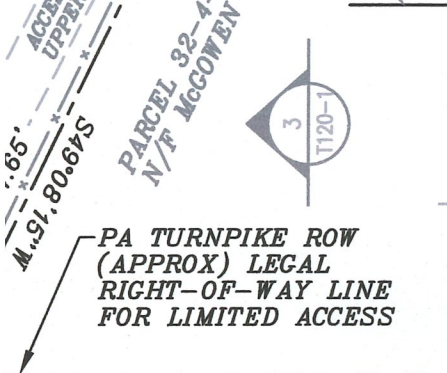


SIGN "A" SIGN-FACE ELEVATION

2

T120-1

SCALE: 1" = 20'
(VIEW LOOKING WESTWARD) (SEE ZONING NOTE 6)



LEGEND:

△	Arc Bearing	ℓ	Lease Line	RD	Road
APPROX	Approximate	L	Arc Length	R	Radius
AVE	Avenue	MAX	Maximum	REF	Reference(s)
BL	Base Line	MIN	Minimum	ROW	Right of Way
BLDG	Building	N/F	Now or the Former	RTE	Route
CL	Center Line	NO	Number(s)	SAN	Sanitary
DC	Driveway Crossing	OAB	Outdoor Advertising Billboard	SP	Square FT
DEPT	Department	ℓ	EXST Property Line	SIM	Similar
DR	Drive	PA	Pennsylvania	ST	Street
DTTP	Distance to nearest Public Park	PennDOT	Pennsylvania DEPT of Transportation	STY	Story
DWG	Drawing(s)	PK	Pike	SWR	Sewer
EL	Elevation	POCS	Pennsylvania One-Call System	TRK	Turnpike
EOF	Edge of Face	PTC	Pennsylvania Turnpike Commission	TYP	Typical
EXST	Existing			TWP	Township
FT	Foot			W	Wide

577+00 to Station 593+00, DWG NO 37 & 38 of 145, Sheet NO 61 & 62 of 183
G. Lease Area Exhibit Plans dated 18May2023, by Howell Surveying, West Chester, PA.

NOTES:

- Do not physically or electronically scale DWG. All sign dimensions are nominal.
- Owner of Record:
Eaglepointe Development Associates,
a Pennsylvania Limited Partnership
120 Pennsylvania Avenue
Malvern, PA 19355-2418
- APPROX Lot Area = 26.627 Acres (REF E)
= 1,159,872.12 SF
- The property is zoned LI, Limited Industrial District (REF C).
- The property is not within the 100-year flood plain. Location lines were scaled from Flood Insurance Rate Map (REF D).
- The proposed, off-premises, double-face, single-pole signs
A. are not intermittently-illuminated, are not flashing, and are not rotating, and
B. are intended to principally advertise to westbound and eastbound traffic on The Pennsylvania Turnpike (I-76).
- The location of the proposed off-premises signs are approximately shown and were not surveyed. The location of any property lines, rights of way, easements, encumbrances, etc are based on provided references. Tantara Associates, LLC does not guarantee the accuracy of references. It is the sole responsibility of the owner and contractor to determine their adequacy. No encroachments are permitted.
- The owner and contractors shall, to the fullest extent permitted by law, indemnify and hold harmless Tantara Associates, LLC from and against any damages and liability (including attorneys fees) arising from any claims connected to the project.
- The Horizontal Datum is NAD83. The Vertical Datum is NAVD88, GEIOD 18. Turnpike stationing derived from reference plan (REF F).

Scale:
AS NOTED

Drawn by:
PbX

Checked by:
mWJ

Date:
9Nov23



TANTALA ASSOCIATES, LLC
ENGINEERS & ARCHITECTS

6200 FRANKFORD AVENUE
PHILADELPHIA, PA 19135-3400
215.289.4600

www.TANTALA.com

Proposed OUTDOOR ADVERTISING BILLBOARDS
by **KEYSTONE OUTDOOR ADVERTISING Co, INC**



at 1985 TICONDEROGA BOULEVARD
I-76, PA TURNPIKE MP 310
CHESTER SPRINGS, PA 19425-9556
UPPER UWCHLAN TWP, CHESTER CO, PA

ZONING SIGN PLAN

Drawing NO

D78042-T120-1

MICHAEL W. TANTALA, P. E.

PROFESSIONAL ENGINEER
PA NO 071443

NY NO 86350
CT NO 180679
DE NO 43291

MI NO 6201067971
OH NO PE72050

MICHAEL W. TANTALA

DATE

9Nov23

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

CONDITIONAL USE APPLICATION

Tax Parcel Number: 32-3-81.5 Date: November 10, 2023

Name of Applicant: Hankin Group

Address: 707 Eagleview Boulevard, Exton PA 19341

Telephone: (601) 458-1900 Email: neal.fisher@hankingroup.com

Owner of Parcel: Hankin Group

Address / Location of Parcel: 770 Pennsylvania Drive

Zoning District: PI Existing Use: See attached Addendum

Article / Section Authorizing Conditional Use: Section 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.

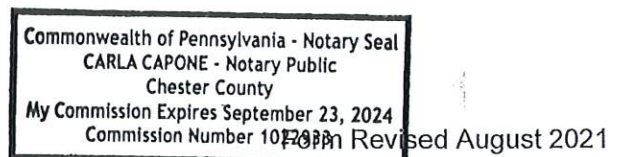
NEAL FISHER
Printed Name of Applicant

Neal Fisher
Signature of Applicant

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CHESTER

Sworn to and subscribed before me this
10th day of November, 2023.

Carla Capone
Notary Public



770 PENNSYLVANIA DRIVE CONDITIONAL USE APPLICATION ADDENDUM

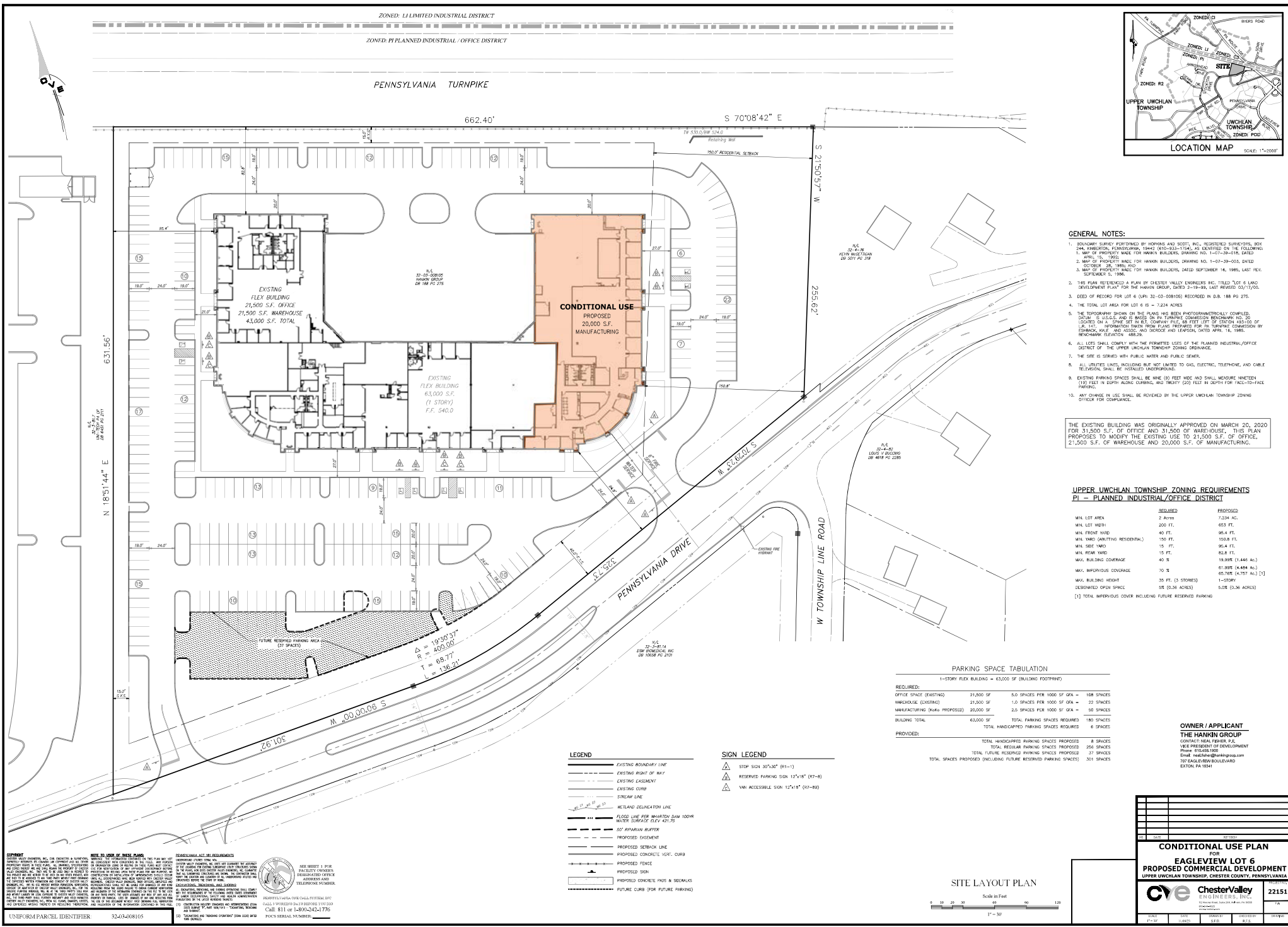
November 10, 2023

Hankin Group (“Applicant”) is the owner of an approximately 7.23 acre property located at 770 Pennsylvania Drive and identified as Chester County UPI No. 32-3-81.5 (“Property”). The Property is situated north of Pennsylvania Drive and south of the Pennsylvania Turnpike, and is Lot 6 in Eagleview. The Property is zoned PI Planned Industrial/Office District and improved with an approximately 63,000 square foot flex building. Approximately 31,500 square feet of the existing building is used for office use and approximately 31,500 square feet is used for warehouse use.

Applicant is seeking conditional use approval for a manufacturing use on the Property, pursuant to Section 200-49.M(1). The manufacturing use will occupy approximately 20,000 square feet of the existing space in the building. The office use will be reduced to approximately 21,500 square feet and the warehouse use will also be reduced to approximately 21,500 square feet. The area of the building that will be utilized for the manufacturing use is shown in orange on the enclosed Conditional Use Plan for Eagleview Lot 6 prepared by Chester Valley Engineers, Inc. dated November 9, 2023. There are no changes proposed to the existing site improvements on the Property.

No traffic impact is anticipated to occur with the change to manufacturing use in a portion of the building. Based on the enclosed trip generation analysis prepared by Traffic Planning and Design, Inc. dated November 6, 2023, the peak hour trip generation of the existing and proposed uses on the Property is similar to or slightly less than the peak hour trip generation of the previously approved uses in the building.

The device which would be manufactured on the Property is known as KoKo. Between 5-10% of women have excessive uterine bleeding associated with childbirth, which is often caused by the uterus failing to contract. The device is a catheter-based technology that is inserted through the birth canal into the uterus and aids in the contraction of the uterus to stop post-partum bleeding.



Memorandum

To: Neal Fisher, PE

From: Erik Hetzel, AICP/PP, LEED AP

Date: November 10, 2023

Re: Fiscal Impact Analysis – Eagleview Lot 6 (770 Pennsylvania Avenue)

Hankin Group is proposing to adapt 20,000 square feet of the existing 60,000-square-foot building at 770 Pennsylvania Avenue to manufacturing use. KoKo Medical will be manufacturing a medical closure device used to close the cervix when it does not occur naturally during childbirth. Along with the improvements to the currently underutilized building, the company expects to create approximately 35 jobs at the site. It is projected that the proposed change in use will result in beneficial, net-positive annual fiscal impacts to both Upper Uwchlan Township and the Downingtown Area School District, as described in Table 1.

Table 1
Summary of Annual Fiscal Impacts

	Tax Revenues	Expenditures	Net Fiscal Impact
Upper Uwchlan Township	\$4,807	(\$3,469)	\$1,338
Downingtown Area School District	\$31,894	\$0	\$31,894
TOTAL	\$36,701	(\$3,469)	\$33,233

Fiscal impacts presented in this analysis were estimated using a methodology developed by the Rutgers University Center for Urban Policy Research, as originally described in The New Practitioner's Guide to Fiscal Analysis¹ and further developed in a

¹ Burchell, Robert W., David Listokin, et al. *The New Practitioner's Guide to Fiscal Impact Analysis*, New Brunswick, NJ: Rutgers, The State University of New Jersey, 1985.

later publication by the same authors entitled Development Impact Assessment Handbook².

Revenue Impacts

Real Estate Property Tax - At project completion, the portion of the building dedicated to the proposed use will have a total market value of approximately \$2.64 million, which translates to an assessed value of approximately \$949,640. This assessment calculation is based on the current (2023-2024) Chester County common-level ratio of 2.78, which estimates assessed value at approximately 35.97% of market value. The Township levies the real estate tax at the rate of 1.034 mills, which will generate approximately \$982 annually to the Township. The School District millage rate is currently 29.558 mills, which applied the assessment describe above, will generate approximately \$28,069 in real estate taxes to the School District annually.

Earned Income Tax (EIT) Revenues – Workers who reside in Upper Uwchlan Township pay the EIT at the rate of 1.0%, with 0.5% going to each the Township and School District. The EIT is also levied at the rate of 1.0% on non-residents who do not pay the EIT in their home jurisdictions with the full amount of the tax going only to the Township. The applicant estimates that the proposed use will create 35 jobs at this location with an estimated annual wage of \$85,000 per employee. We cannot project where these employees will reside, nor whether they will be paying the EIT to their home jurisdictions. Hence, we conservatively assume that 25% of the workers (or, 9 of the total 35 workers) will be eligible to pay the EIT as Township residents. Under the foregoing assumptions, the EIT will generate revenues totaling \$3,825 to the Township and \$3,825 to the School District.

Regional Economic Impacts

The proposed development will have a beneficial economic “ripple effect” in the local economy, as the new employees use goods and services in and around Radnor Township. In addition, the building improvements will provide construction jobs and result in construction-related consumption expenditures in the local and regional economies. These impacts are not reflected in the summary table included in this memorandum but will provide economic benefits over and above the annual revenues described therein.

² Burchell, Robert W., David Listokin, et al. *Development Impact Assessment Handbook*. Washington, D.C.: ULI-the Urban Land Institute, 1994.

Cost Analysis

Annual Township and School District expenditures attributable to the proposed development were projected using the Per Capita Multiplier Method described in the Development Impact Assessment Handbook. In calculating the per capita expenditure value for the Township, the methodology uses information from the current (2023) Township budget and accounts for the fact that costs are divided differently among serving both residential and non-residential portions of the Township, based on the actual mix of land uses provided by the County Board of Assessment. This analysis estimates annual per capita costs at \$99.11 per employee. Overall, it is estimated that the proposed development will result in Township costs totaling approximately \$3,469 annually, which is essentially offset by revenues totaling \$4,807 annually from the tax sources described previously.

The proposed change in this non-residential use will not generate any school-aged children and hence, will not result in additional costs for the School District.

Conclusions and Summary

In conclusion, the net positive fiscal impact in terms of projected revenues over costs for Upper Uwchlan Township is expected to be over \$1,300 annually at project completion. The projected net positive fiscal impact to the Downingtown Area School District is projected to be over \$31,000 per year. The combined net positive fiscal impact for both taxing authorities is estimated at over \$33,000 annually. Table 2 on the next page summarizes the project details and fiscal impacts to the Township and School District.

Table 2
Summary of Project Details and Fiscal Impacts

	Manufacturing Use
Project Details - 770 Pennsylvania Avenue	
Non-Residential Square Feet	20,000
Market Value of Proposed Development	\$2,640,000
Assessed Value (approx. 35.97% of market value)	\$949,640
New Residential Population	0
New School-Aged Children	0
New Employees	35
Annual Wages per Employee	\$85,000
Upper Uwchlan Township Fiscal Impacts	
Real Estate Tax Revenue (1.034 mills)	\$ 982
Earned Income Tax Revenue (0.5%)	\$ 3,825
Total Township Revenues	\$ 4,807
Total Township Expenditures	\$ (3,469)
Net Township Fiscal Impact	\$ 1,338
Downingtown Area School District Fiscal Impacts	
Real Estate Tax Revenue (29.558 mills)	\$ 28,069
Earned Income Tax Revenue (0.5%)	\$ 3,825
Total School District Revenues	\$ 31,894
Total School District Expenditures	\$ -
Net School District Fiscal Impact	\$ 31,894
Total Development-Generated Revenues (Township + School District)	\$ 36,701
Total Development-Generated Expenditures (Township + School District)	\$ (3,469)
Total Net Annual Fiscal Impact (Township + School District)	\$ 33,233



TRAFFIC PLANNING AND DESIGN, INC.

WWW.TRAFFICPD.COM

November 6, 2023

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

RE: Eagleview – Lot 6 (770 Pennsylvania Drive)

Upper Uwchlan Township, Chester County, PA

TPD# HANK.00035

Dear Mr. Fisher:

As requested, Traffic Planning and Design, Inc. (TPD) has completed a traffic analysis in conjunction with Eagleview Lot 6 building at 770 Pennsylvania Drive. The site is bound by Pennsylvania Drive to the south and the Pennsylvania Turnpike to the north, in Upper Uwchlan Township, Chester County, Pennsylvania. The site is served currently served by two (2) driveways to Pennsylvania Drive. Per the 3/17/00 approved land development plan, prepared by Chester Valley Engineers, Inc., the building was approved to consist of 31,500 square feet (s.f.) of office and 31,500 s.f. of warehouse. It is TPD's understanding that 21,500 s.f. of office exists, 21,500 s.f. of warehouse exists, and 20,000 s.f. of manufacturing is proposed. This letter has been prepared to compare the trip generation of the approved uses to the exiting/proposed uses.

TRIP GENERATION

The trip generation rates for the existing and proposed uses were obtained from the current manual *Trip Generation*, Eleventh Edition, 2021, an Institute of Transportation Engineers (ITE) Informational Report. For the building, Land Use Codes 140 (Manufacturing), 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 1** shows the rates for the analyzed time periods.

**TABLE 1
TRIP GENERATION DATA**

Land Use - ITE #	Peak Hour	Equation
Manufacturing - #140	A.M. Peak	$T = 0.68*(X)$
	P.M. Peak	$T = 0.74*(X)$
Warehousing - #150	A.M. Peak	$T = 0.17*(X)$
	P.M. Peak	$T = 0.18*(X)$
Office - #710	A.M. Peak	$T = 1.52*(X)$
	P.M. Peak	$T = 1.44*(X)$

Table 2 below compares the trip generation of the approved uses to the planned uses withing Lot 6.

TABLE 2
TRIP GENERATION COMPARISON

Use	Approved Size	Peak Hour Total Trips		Existing/ Proposed Size	Peak Hour Total Trips	
		AM	PM		AM	PM
Office	31.5 ksf	48	45	21.5 ksf	33	31
Warehouse	31.5 ksf	5	6	21.5 ksf	4	4
Manufacturing	---	---	---	20.0 ksf	14	15
Total	63 ksf	53	51	63 ksf	51	50

As shown in **Table 2**, the approved uses/sizes of the building would generate approximately 53 trips during the weekday A.M. peak hour and 51 trips during the weekday P.M. peak hour. The existing/proposed uses generate approximately 51 trips during the weekday A.M. peak hour and 50 trips during the weekday P.M. peak hour. Therefore, the peak hour trip generation of the existing/proposed uses at the Lot 6 building are comparable, or slightly less than the previously approved uses within the building.

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



GILMORE & ASSOCIATES, INC.
ENGINEERING & CONSULTING SERVICES

December 7, 2023

File No. 03-0987-17

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

VIA E-MAIL ONLY

Attention: Tony Scheivert, Township Manager

Reference: Eagleview Corporate Center – Lot 6
Conditional Use Application Review – KoKo Medical
Upper Uwchlan Township, Chester County, PA

Dear Tony:

The Township Consultants are in receipt of the following information regarding the above referenced application:

- Plan titled “Conditional Use Plan for Eagleview Lot 6” dated November 9, 2023.
- Conditional Use Application dated November 10, 2023.
- Fiscal Impact Analysis prepared by EH Creative Services LL dated November 10, 2023.
- Traffic Analysis prepared by Traffic Planning & Design, Inc., dated November 9, 2023.

G&A, along with the other Township Consultants, have completed our first review of the above referenced conditional use application and wish to submit the following comments for your consideration.

I. OVERVIEW

The Applicant, KoKo Medical, is proposing to adapt 20,000 SF of space located within the existing 63,000 SF building on Lot 6 of the Eagleview Campus (770 Pennsylvania Avenue), in the PI Planned Industrial / Office District. The construction of the building and associated improvements was originally approved on March 20, 20002, as part of a previous land development application for 31,500 SF of Office and 31,500 SF of Warehouse. The submitted plan proposes to modify the

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

existing uses to 21,500 SF of Office, 21,500 SF of Warehouse, and 20,000 SF of Manufacturing. The applicant is seeking conditional use approval for the proposed Manufacturing Use. The application states that there are no changes proposed to the existing site improvements on the property.

II. TOWNSHIP ZONING OFFICER REVIEW

I reviewed the proposed conditional use for 770 Pennsylvania Drive and I'm ok with what is being proposed. I am ok with what is being proposed provided they meet all other building and zoning regulations.

III. TOWNSHIP ENGINEER COMMENTS – ZONING ORDINANCE **GILMORE & ASSOCIATES**

1. Section 200-49.M(1). – Manufacturing and processing (provided there shall be no raw materials or finished products permitted on the exterior of the building, and, further, no above ground storage tanks shall be allowed on the exterior of the building except as permitted by Section 200-49.O(3)) is permitted when authorized by conditional use.
2. Section 200-50.E(1). – The Zoning Requirements Table should be updated to indicate the current requirement which is not more than 35% of the area of a lot shall be covered by buildings/structures.
3. Section 200-50.E(2). – The Zoning Requirements Table should be updated to indicate the current requirement which is not more than 60% of the area of a lot shall be covered by buildings/structures and other impervious materials.
4. Section 200-80. – Please confirm no additional outdoor storage is proposed with this application.
5. Section 200-98. – Please indicate if any additional signage is proposed with this application.

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

Based on our review, we have no technical comments that require plan or study revisions; however, we offer the following comment for informational purposes.

Tony Scheivert, Township Manager

Page - 3 -

Upper Uwchlan Township Manager

Reference: Eagleview Corporate Center – Lot 6

Conditional Use Application Review – KoKo Medical

Upper Uwchlan Township, Chester County, PA

File No. 03-0987-17

December 7, 2023

Based on the trip generation evaluation, with the addition of manufacturing space and reduction to the office and warehousing space, the building will generate a similar amount of traffic during the weekday commuter peak hours, as it does today. As a result, our office has no concern regarding the anticipated trip generation associated with the change in use. However, although no revision is needed, future trip generation evaluations for the Upper Uwchlan portion of the Eagleview Corporate Center should be based on the trip generation equation method. In the future, please contact our office prior to completing the trip generation evaluations.

V. TOWNSHIP SEWER CONSULTANT COMMENTS
ARRO CONSULTING, INC.

1. The Applicant is proposing to improve the existing 63,000 square feet (SF) flex building. Existing building uses are 31,500 SF for office and 31,500 SF is to be used for warehouse. The proposed building uses are 20,000 SF for manufacturing use, 21,500 SF for office use and 21,500 SF for warehouse use. In accordance with the Act 537 Plan, wastewater generated on this property is to be conveyed to and treated at the Eagleview Wastewater Treatment Plant which is located in Uwchlan Township. Therefore, Uwchlan Township should have the opportunity to review since they will be responsible for wastewater conveyance and treatment. Also, Uwchlan Township should review quantity and quality of sanitary sewer anticipated, since the manufacturing use is proposed in addition to the current uses. Sewage Facilities Planning may be required.
2. The existing sanitary sewer facilities shall be shown on the plan. All sanitary sewer improvements shall be designed and constructed in accordance with the Uwchlan Township Municipal Authority Specifications; should any new facilities be proposed.

It is our hope that the Township finds the above comments useful in their review of the above reference application. Should you have any questions, please do not hesitate to contact me.

Tony Scheivert, Township Manager

Page - 4 -

Upper Uwchlan Township Manager

Reference: Eagleview Corporate Center – Lot 6

Conditional Use Application Review – KoKo Medical

Upper Uwchlan Township, Chester County, PA

File No. 03-0987-17

December 7, 2023

Sincerely,

David N. Leh

David N. Leh, P.E.

Vice President

Gilmore & Associates, Inc.

cc: Upper Uwchlan Township Board of Supervisors
Upper Uwchlan Planning Commission
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, PE McMahon Associates
Dave Schlott, PE – Arro Consulting
Neal Fisher, The Hankin Group
Alyson Zarro, Esq. – RRH&C

From: [Anthony Campbell](#)
To: [Gwen Jonik](#)
Cc: [Dave Leh](#)
Subject: Conditional Use Hearing 770 Pennsylvania Drive
Date: Thursday, November 30, 2023 11:00:04 AM

Gwen,

I reviewed the proposed conditional use for 770 Pennsylvania Drive and I'm ok with what is being proposed. I am ok with what is being proposed provided they meet all other building and zoning regulations.

Anthony Campbell
Zoning & Code Officer
Upper Uwchlan Township
acampbell@upperuwchlan-pa.gov
610-646-7002

Lionville Fire Company

15 South Village Avenue
P.O. Box 478
Lionville, Pennsylvania 19353
Emergency: 911
Business: (610) 363-7663

TO: Upper Uwchlan Township
FROM: Richard Ruth, Upper Uwchlan Township Fire Marshal
DATE: December 7, 2023
RE: 770 Pennsylvania Drive – Proposed Koko Medical Manufacturing

MEMORANDUM

I have reviewed the conditional use plan for 770 Pennsylvania Drive dated November 9, 2023, and offer the following comments:

- Lionville Fire Company has adequate facilities to reach the highest point of the Building with ladders and hoses, where highest point will be 35 feet;
- There is adequate water storage available at the Facility for fire-fighting purposes without impairing the use of the water supply for ordinance purposes on the facility's premises; and
- Both the Fire Plan and the Water Supply Plan are adequate.
- The Applicant shall provide the Township Codes Department with the Material Safety Data Sheets.

Thank you for the opportunity to review this plan and offer comments.

Feel free to contact me if you have any questions regarding this or any other matters of mutual concern.

Sincerely,



Richard Ruth
Fire Marshal