



UPPER UWCHLAN TOWNSHIP
PLANNING COMMISSION
AGENDA

**March 14, 2024
7:00 p.m. Meeting**

LOCATION

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

		Packet Page #
I.	Call To Order	
II.	Welcome newly appointed Planning Commission members	
III.	241 Park Road Conditional Use Application Review of Conditional Use Application seeking approval of a daycare on property at the corner of Park Road and Ticonderoga Boulevard. Consider making a recommendation for approval to the Board of Supervisors.	2
IV.	Eagle Animal Hospital Sketch Plan Introduction to a Sketch Plan for the proposed reconstruction of the Eagle Veterinary Hospital on Byers Road. Accept Sketch Plan for Consultants' review.	35
V.	Meeting Updates ~ Reports A. Environmental Advisory Council (EAC) B. Historical Commission (HC) C. Village Concept Plan / Village Design Guidelines (VCP / VDG) D. Comprehensive Plan Update (CompPlan)	
VI.	Approval of Minutes: February 8, 2024 Meeting Minutes	54
VII.	C1, C3, LI Zoning District Uses ~ Ordinance Amendments Draft Review and discuss draft Ordinance amending uses in the C1 Village Commercial District, C3 Highway Commercial District and LI Limited Industrial District. Consider making recommendation to adopt to the Board of Supervisors.	56
VIII.	Next Meeting Date: April 11, 2024 7:00 p.m.	
IX.	Open Session	
X.	Adjournment	



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

CONDITIONAL USE APPLICATION

3204 0037 0000

Tax Parcel Number: 3204 0038 0800 Date: _____

Name of Applicant: Planebrook Partners, LLC, Attention: Scott Risbon, Managing Partner

Address: c/o 114 East Lancaster Avenue, 2nd Floor, Downingtown, PA 19335

Telephone: 610 637 1975 Email: scottrisbon@earthcareinc.org

Owner of Parcel: 241 Park Avenue, LLC

Address / Location of Parcel: 32-4-37: 241 Park Road; 32-4-38.8: 235 Park Road

Zoning District: C1 Existing Use: Parcel # 32-4-37 contains 1 existing single-family dwelling

Article / Section Authorizing Conditional Use: Article VIII, C-1 Village District, Section 200-33.B(3) Day-care center

Description of Proposed Conditional Use: Consolidation of the two parcels. Demolition of existing single-family dwelling & outbuildings. Proposed construction of a 6,000 sf, two story daycare facility (total gross floor area of 12,000 sf) with a play area (approx. 3,000 sf), parking and associated stormwater management. Public sewer and water are proposed.

This Application shall be accompanied by:

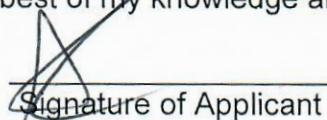
1. A fee of \$500.00 for Non-Commercial or \$1,000.00 for Commercial/Industrial;
2. Four (4) printed copies and an electronic copy of:
 - parcel plot plans (half of which can be of reduced size, i.e. 11 x 17)
3. Three (3) printed copies and an electronic copy of:
 - impact statements (if applicable pursuant 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

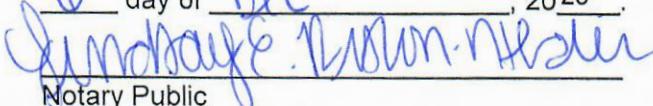
I hereby depose and say that all of the above statements, and the statements contained in any papers submitted herewith, are true to the best of my knowledge and belief.

Scott Risbon, Managing Partner
Planebrook Partners, LLC

Printed Name of Applicant

A handwritten signature in blue ink that appears to read "Lindsay E. Risbon-Herbein".

Commonwealth of Pennsylvania - Notary Seal
Lindsay E. Risbon-Herbein, Notary Public
Chester County
My commission expires October 23, 2025
Commission number 1322329
Member, Pennsylvania Association of Notaries

A handwritten signature in blue ink that appears to read "Lindsay E. Risbon-Herbein".

Form Revised August 2021

**CONDITIONAL USE IMPACT STATEMENT
FOR
241 PARK ROAD
December 4, 2023**

Client Name:	Planebrook Partners, LLC
Property:	3204 0037 0000 located at 241 Park Road 3204 0038 0800 located at 235 Park Road
Zoning District:	C1 Village District
Nature of Development:	Daycare Facility
Combined Gross Acreage:	0.819 +/- acres
Current Sewer/Water Service:	On lot water and sewer unused by vacant house.
Proposed Sewer/Water Service:	Public Water & Public Sewer

The property consists of two parcels:

- (a) 235 Park Road, which is more fully described as Chester County UPI No. 32-4-38.8 is undeveloped. The rear of the property abuts the Federal Express facility on Ticonderoga Blvd.; and
- (b) 241 Park Road, which is more fully described as Chester County UPI No. 32-4-37, which is developed with single-family dwelling and outbuilding, which have been unused for years.

Planebrook Partners, LLC plans to combine two parcels totaling 3.393 acres (gross) (together, the "Property") and construct a two-story, 6,000 sf (12,000 total gross floor area) daycare facility, access drive from Park Road, play area (approximately 3,000 sf), parking lot and associated stormwater management infrastructure.

The facility will operate Monday through Friday during normal business hours with an anticipated capacity of 120-125 children and 20 employees.

The proposed project is permitted with Conditional Use Approval per Section 200-33.B(3) of the Upper Uwchlan Township Zoning Ordinance. The applicant is also pursuing a modification of parking requirements pursuant to the Township Zoning Ordinance Section 200-73.K. As a daycare facility is a permitted use, it is not contrary to public health safety or welfare.

External access locations and interior traffic circulation will be designed in accordance the Township ordinance to allow adequate and safe use by the users as well as compliance for use of emergency vehicles.

Approval from Aqua Pennsylvania for firefighting purposes and water use by the facility will be obtained, as well as sewer approvals from the Township.

Sidewalk is proposed along Park Road to improve pedestrian traffic and access.

The landscaping and lighting will be designed per the Township Ordinance. The adjoining properties include a Federal Express Depot (abutting the project parcels on two sides), the Windsor Baptist Church/Windsor Christian Academy with recreation area, across from the project area, which contains

both school and church buildings and a dentist office across Ticonderoga Road, therefore noise would not be a factor for the proposed daycare facility.

EH CREATIVE SERVICES LLC
16 MANOR ROAD
PAOLI, PA 19301
610.322.7154
erik@erikhetzel.com

Memorandum

To: Victor Kelly Jr., PE

From: Erik Hetzel, AICP/PP, LEED AP

Date: November 15, 2023

Re: Fiscal Impact Analysis – Proposed Daycare Facility, 241 Park Road

Planebrook Partners, LLC is proposing to construct a 12,000-square-foot daycare facility on the property located at 241 Park Road in Upper Uwchlan Township, Chester County, Pennsylvania. Along with site improvements that will generate additional real estate tax revenue for the Township, the applicant expects to create approximately 18 jobs at the site. It is projected that the proposed development 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	\$2,050	(\$1,784)	\$266
Downingtown Area School District	\$37,961	\$0	\$37,961
TOTAL	\$40,011	(\$1,784)	\$38,227

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 \$3.5 million, which translates to an assessed value of approximately \$1,258,993. 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 \$1,302 annually to the Township. The School District millage rate is currently 29.558 mills, which applied the assessment describe above, will generate approximately \$37,213 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 18 jobs at this location with an estimated mean annual wage of \$29,920 per employee³. 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, 5 of the total 18 workers) will be eligible to pay the EIT as Township residents. Under the foregoing assumptions, the EIT will generate revenues totaling \$748 to the Township and \$748 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 Upper Uwchlan Township. In addition, the building improvements will provide construction jobs and result in construction-related consumption expenditures in the local and

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

³ Occupation title “Childcare Workers” from U.S. Bureau of Labor Statistics, *Occupational Employment and Wage Statistics, May 2022 Metropolitan and Nonmetropolitan Area Occupational Employment and Wage Estimates, Philadelphia-Camden-Wilmington, PA-NJ-DE-MD* [<https://www.bls.gov/oes/current/oes_37980.htm#39-0000>](https://www.bls.gov/oes/current/oes_37980.htm#39-0000)

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.

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 \$1,784 annually, which is essentially offset by revenues totaling \$2,050 annually from the tax sources described previously.

The proposed development of 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 \$260 annually at project completion, essentially paying for itself in terms of Township services. The projected net positive fiscal impact on the Downingtown Area School District is projected to be more significant at over \$37,000 per year. The combined net positive fiscal impact for both taxing authorities is estimated at over \$38,000 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

Project Details - 241 Park Road Daycare Facility	
Non-Residential Square Feet	12,000
Market Value of Proposed Development	\$3,500,000
Assessed Value (approx. 35.97% of market value)	\$1,258,993
New Residential Population	0
New School-Aged Children	0
New Employees	18
Annual Wages per Employee	\$29,920
Upper Uwchlan Township Fiscal Impacts	
Real Estate Tax Revenue (1.034 mills)	\$ 1,302
Earned Income Tax Revenue (0.5%)	\$ 748
Total Township Revenues	\$ 2,050
Total Township Expenditures	\$ (1,784)
Net Township Fiscal Impact	\$ 266
Downington Area School District Fiscal Impacts	
Real Estate Tax Revenue (29.558 mills)	\$ 37,213
Earned Income Tax Revenue (0.5%)	\$ 748
Total School District Revenues	\$ 37,961
Total School District Expenditures	\$ -
Net School District Fiscal Impact	\$ 37,961
Total Development-Generated Revenues (Township + School District)	\$ 40,011
Total Development-Generated Expenditures (Township + School District)	\$ (1,784)
Total Net Annual Fiscal Impact (Township + School District)	\$ 38,227

Erik W. Hetzel, AICP/PP, LEED AP

Education

1993: B.A. Geography and Planning,
West Chester University

2000: Master of Regional Planning,
University of Pennsylvania

Professional Certifications

American Institute of Certified Planners

Professional Planner, State of New
Jersey (License No. 33LI00621700)

Professional Affiliations

American Planning Association

Pennsylvania Planning Association

Mr. Hetzel provides professional consulting services to public and private sector clients seeking a wide range of land planning expertise. He has a diverse background in geography, land planning, community/fiscal/environmental impact analysis, technical management, project management, and in the application of geospatial technologies to planning and engineering projects. He has been qualified as an expert to testify before numerous municipal zoning, planning, and elected boards and commissions; prepared community fiscal and environmental impact analyses; coordinated the development and adoption of local and multi-municipal comprehensive plans; applied land planning and fiscal analysis expertise to complex tax appeal assessment cases; analyzed and drafted zoning ordinances; and managed the preparation of site designs and site plans. He maintains a high proficiency using Geographic Information Systems (GIS) for mapping projects and land planning analyses.

Mr. Hetzel's professional experience spans more than twenty-five years working at principal and senior-level positions in private-sector and non-profit organizations. In 2014, Mr. Hetzel established EH Creative Services, a professional land planning consulting practice. Previously, he spent eleven years working at Glackin Thomas Panzak Inc., a privately-owned land planning and landscape architecture firm in Paoli, PA. Before that, he held a position at Environmental Systems Research Institute (ESRI), where he used his extensive GIS and planning experience leading enterprise GIS solutions for county and local governments. Prior to his tenure at ESRI, Mr. Hetzel spent twelve years at Weston Solutions, Inc. as a Technical Manager, working on projects that ranged from planning and engineering consulting for municipal governments, to complex environmental analyses and assessments on large projects of regional scope.

Mr. Hetzel resides in Paoli, Pennsylvania, and has served on numerous municipal boards and commissions. He currently serves on the Open Space Review Board in Willistown Township. He is a past member of the East Whiteland Township Planning Commission, where he served as Chairman for three years. In that role, he was the liaison between the Township Environmental Advisory Council and the township's Planning Commission. Mr. Hetzel has also served on the West Whiteland Township Planning Commission and spent two years as West Whiteland's delegate to the West Chester Regional Planning Commission.



**HEINRICH & KLEIN
ASSOCIATES, INC.**

TRAFFIC ENGINEERING & PLANNING
1134 Heinrich Lane • Ambler, Pennsylvania 19002
215-793-4177 • FAX 215-793-4179

MEMORANDUM

TO: Victor Kelly, P.E.
Commonwealth Engineers, Inc.

FROM: Andreas Heinrich, P.E., P.T.O.E.

DATE: November 27, 2023

RE: Trip Generation Analysis
Proposed Child Day Care Center Canal - Park Road
Upper Uwchlan Township, Chester County, PA

As requested, please accept the results of this Trip Generation Analysis for a Child Day Care Center proposed along the east side of Park Road in Upper Uwchlan Township, Chester County, Pennsylvania. The site is occupied by a single family detached house. It is my understanding the existing house will be demolished and the site will be developed for a child day care center (12,000 square feet). Access to the site will be provided via a full movement driveway that will intersect Park Road at a point approximately 210 feet south of Ticonderoga Boulevard.

Park Road is a two-way, two-lane local road. Park Road provides one travel lane in each direction. The posted speed limit along Park Road is 35 miles per hour. The frontage of the site is situated within a school zone for the Windsor Christian Preschool & Academy with a 15 MPH flashing beacon.

Based on the size of the proposed building, estimates of new traffic demand can be calculated for the proposed development. The anticipated traffic generation of the proposed child day care center is estimated from trip generation data compiled by the Institute of Transportation Engineers and documented in the publication entitled Trip Generation Manual⁽¹⁾. The Trip Generation Manual is a commonly accepted resource to establish

(1) Trip Generation Manual, 11th Ed., Institute of Transportation Engineers, Washington DC, September, 2021.

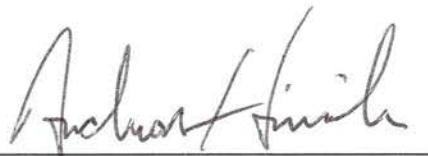
traffic generation of various land uses. Table 1 presents the calculated vehicular trip generation rates for the proposed development. Application of these rates to the size of the proposed development produces the daily and peak hourly traffic volumes presented in the bottom of Table 1.

As shown in Table 1, after deducting for pass-by trips, it is anticipated that the proposed child day care center will generate a total of 320 new trips per day (total inbound and outbound). It is anticipated that the proposed child day care center will generate a total of 74 new trips per hour during the weekday morning peak hour and 76 new trips per hour during the weekday afternoon peak hour.

The access driveway will be constructed 24 feet wide to provide one entry lane and one exit lane, with right turn corner radii to accommodate the appropriate design vehicle.

Based on the posted speed limit of 35 miles per hour along Park Road, it is desirable to provide safe sight distance of 440 feet to the left and 350 feet to the right of the access driveway, as measured from a position 10 feet back of the pavement edge along Park Road. Observations reveal that, with proper grading and removal of vegetation along Park Road, there will be adequate sight distance in excess of 450 feet in both directions along Park Road.

If you should have any questions, or wish to discuss these calculations in greater detail, please call me at your convenience.



Andreas Heinrich, P.E., P.T.O.E.
Principal

AH:rh

TABLE 1
TRAFFIC GENERATION CHARACTERISTICS
CHILD DAY CARE CENTER
UPPER UWCHLAN, CHESTER COUNTY, PENNSYLVANIA

<u>Description</u>	<u>Daily</u>	<u>TRIP RATES⁽¹⁾</u>			<u>Morning Peak Hour</u>			<u>Afternoon Peak Hour</u>		
		<u>In</u>	<u>Out</u>	<u>Total</u>	<u>In</u>	<u>Out</u>	<u>Total</u>	<u>In</u>	<u>Out</u>	<u>Total</u>
Child Day Care Center (12,000 SF) ⁽²⁾	47.62	5.83	5.17	11.00	5.23	5.89	11.12			
<u>TRAFFIC VOLUMES</u>										
Child Day Care Center (12,000 SF)	572	70	62	132	63	71	134			
Pass-by Trips ⁽³⁾	252	29	29	58	29	29	58			
TOTAL EXTERNAL TRIPS	320	41	33	74	34	42	76			

(1) *Trip Generation Manual, 11th Edition, Institution of Transportation Engineers, Washington, D.C., 2021 (ITE Land Use Code 565).*

(2) *Trips per 1,000 square feet (SF) of floor space.*

(3) *Trip Generation Handbook, 3rd Edition, and supplement, Institution of Transportation Engineers, Washington, D.C., 2017.*



Ducklings™
EARLY LEARNING CENTER

SCHEMATIC
241 PARK ROAD
EAGLE, PENNSYLVANIA 19355



COMMONWEALTH ENGINEERS, INC.
114 EAST LANCASTER AVENUE ~ SECOND FLOOR
DOWNTOWN, PA 19335
TELEPHONE: (610) 518-9003 ~ FAX: (610) 518-9004
COMENG@CEI-1.COM

SCULL
INNOVATIVE • VISIONARY • CREATIVE
ARCHITECTURE, LLC
www.Scull-Architecture.com

SK-3.2
December 13, 2023
SA Project No. 2023.67



GILMORE & ASSOCIATES, INC.
ENGINEERING & CONSULTING SERVICES

January 5, 2024

File No. 23-12026

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

Reference: 241 Park Road
Preliminary Land Development Review
Upper Uwchlan Township, Chester County, PA

Dear Tony:

Gilmore & Associates, Inc. (G&A) is in receipt of the following documents prepared by Commonwealth Engineers, Inc. unless stated otherwise:

- Letter of Transmittal for 241 Park Road Conditional Use Submission to Upper Uwchlan Township dated December 7, 2023;
- Letter of Transmittal for 241 Park Road Subdivision/Land Development Submission to Upper Uwchlan Township (undated);
- “Erosion Control Plan Narrative Prepared for 241 Park Road” dated December 4, 2023;
- GIS Map dated August 16, 2023;
- “Post Construction Stormwater Management Plan Narrative prepared for 241 Park Road” dated December 4, 2023;
- “241 Park Road Sewage Facilities Planning Module Application Mailer for Public Sewer” dated December 4, 2023;
- Preliminary/Final Land Development Plans consisting of twelve (12) sheets titled “241 Park Road” dated December 4, 2023;
- Plan sheet titled “Post Development Drainage Area Plan” dated December 4, 2023;

Reference: 241 Park Road

Preliminary Land Development Review

Upper Uwchlan Township, Chester County, PA

File No. 23-12026

January 5, 2024

- Plan sheet titled “Pre Development Drainage Area Plan” dated December 4, 2023;
- Conditional Use Application for 241 Park Road and 235 Park Road (undated);
- Subdivision / Land Development Application (Preliminary Submittal) dated December 1, 2023;
- Subdivision / Land Development Review Escrow Agreement made December 1, 2023;
- Act 247 County Referral form;
- Conditional Use Impact Statement for 241 Park Road and 235 Park Road dated December 4, 2023;
- Fiscal Impact Analysis – Proposed Daycare Facility, 241 Park Road dated November 15, 2023, and prepared by EH Creative Services LLC;
- Trip Generation Analysis Proposed Child Day Care Center Canal - Park Road dated November 27, 2023, and prepared by Heinrich & Klein Associate, Inc.;
- Plan sheet titled “Presentation Plan for 241 Park Road” dated December 14, 2023;
- Architectural plan sheet titled “Schematic 241 Park Road” dated December 13, 2023.

The subject site is comprised of two (2) parcels (TMP 32-4-37 and TMP 32-4-38.8) located at the intersection of Park Road and Ticonderoga Blvd. The property is located in the C-1 Village Commercial Zoning District.

G&A, as well as other Township Consultants, has completed our first review of the above referenced preliminary land development application for compliance with the applicable sections of the Township’s Zoning Ordinance, Subdivision and Land Development Ordinance, and Stormwater Management Ordinance, and wish to submit the following comments for your consideration.

Please note that comments with a **(V)**, **(RW)** or a **(W)** may require relief from the Township Ordinances. A **(V)** denotes a variance may be required or has previously been granted, a **(CU)** denotes conditional use, an **(RW)** denotes a requested waiver, and a **(W)** denotes a waiver that has not been requested, but we believe is required.

I. OVERVIEW

The Applicant is proposing to consolidate two existing lots and construct a 6,000 SF (footprint) two-story building with outdoor play areas, parking and stormwater management in the C-1 Village District. The parking area has access from Park Road. The total impervious surface coverage onsite is approximately 20,359 square feet, and the total proposed disturbance for the construction is approximately 0.865 acres. Two underground infiltration beds, inlets and piping are proposed to control the runoff from the proposed improvements. Retaining walls approximately 3.5-feet in height at their maximum are proposed along three sides of the property. There are no floodplains on the site.

II. ZONING ORDINANCE REVIEW

1. **(CU) §200-33.B.(3)** – A daycare center is permitted as a principal use when authorized by conditional use by the Board of Supervisors. The applicant is seeking conditional use.
2. **(CU) §200-34.F.** – No structure or principal buildings shall exceed 35 feet in height. As a condition of conditional use approval, the Board of Supervisors may permit roof structures above the cornice line which exceed the applicable height limit, where the Board agrees that such structures enhance the appearance of the overall design. The height from attic to roof peak shall be labeled on the architectural plan to clarify either compliance or that approval by conditional use is required to permit exceeding 35 feet in height.
3. **(CU) §200-36.B.(1)(a)** – Where any individual building facade is visible from any public right-of-way and exceeds 60 feet in length, there shall be a clear dimensional differentiation of roofline and/or an offset in facade of at least 10 feet, effectively breaking the single facade into two or more facades each no more than 60 feet in length. Where approved by the Board of Supervisors as a conditional use, single facades greater than 60 feet in length may be permitted in accordance with this section. The building façade facing Park Road is 100-feet in length and no break is proposed. Therefore, approval by conditional use is required.
4. **§200-36.B.(1)(b)** – The architectural rendering indicates a pitched roof. Desired materials on pitched roofs include slate (either natural or man-made), shingle (either wood or asphalt composition), and metal formed to resemble "standing seams." Roof color should reflect local traditional use of color, and shall specifically exclude white, tan, or blue shingles, red clay tiles, and corrugated metal or other corrugated material. The use of fascias, dormers, and gables is encouraged to provide visual interest. The applicant shall provide information on the roofing to show compliance with these requirements.
5. **§200-36.B.(1)(c)** – Exterior wall materials may include stucco, wood clapboard (including vinyl or aluminum imitation clapboard siding), native stone, brick, or other material of a shape, color,

Reference: 241 Park Road

Preliminary Land Development Review

Upper Uwchlan Township, Chester County, PA

File No. 23-12026

January 5, 2024

and texture similar to that found on historic structures in the vicinity. The applicant shall provide information on the exterior wall materials to show compliance with these requirements.

6. **§200-36.B.(1)(d)** – All facilities and equipment for heating/air conditioning, trash collection and compaction, and other structural elements not in keeping with historical architectural themes shall be concealed architecturally or otherwise screened from view from any public right-of-way or public space. The applicant shall clarify where HVAC equipment is located to determine if screening is required. A fence detail shall be provided for the fence surrounding the outdoor play areas. Note that two (2) Grading Plan sheets were included with the submission which show the dumpster location in different spots; the applicant shall clarify which Grading Sheet is intended to be part of the plan set. The Dumpster Enclosure Detail (Sheet 7) includes the note “The applicant may utilize an alternate privacy fence the dumpster with the approval of the township engineer” which should be removed.
7. **§200-36.B.(2)** – For all principal uses permitted by conditional use approval, applicant shall provide drawings of sufficient detail to illustrate the character of the intended exterior design of structures, including scale, height, roof pitch, relationship between varying facade elements, and principal exterior materials. The Township may require that material samples also be provided. It shall be the burden of the applicant to demonstrate that submitted architectural designs are consistent with, and promote, the purposes and standards set forth for the C-1 Village District.
8. **§200-36.B.(3)** – Where the Board of Supervisors determines that architectural design, as presented by applicant, is an essential means by which the proposed use will comply with the purposes and standards set forth for the C-1 Village District, as a condition of approval of any conditional use, the Board may require adherence to the intended architectural character as proposed by the applicant.
9. **§200-36.D.** – Streetscape landscaping and pedestrian amenities shall be provided as necessary to meet overall village planning objectives and shall be coordinated with adjacent properties. Where appropriate, the Township may require any of the amenities outlined herein, including provision for their regular upkeep and maintenance. We defer to the Township Planning Commission and Land Planner in this matter.
10. **§200-64.A.** – The minimum lot area for each child shall be 1,000 square feet, but no lot containing a day-care center shall be less than 30,000 square feet. The Conditional Use Impact Statement states an anticipated capacity of 120-125 children; therefore, the minimum lot area is 120,000 SF to 125,000 SF. The proposed lot area is 34,000 SF, which appears to be inadequate.
11. **§200-64.B.** – There shall be an indoor play area of 50 square feet per child and an outdoor play area of 75 square feet per child provided. The Conditional Use Impact Statement states

an anticipated capacity of 120-125 children. Therefore, 6,000 SF to 6,250 SF of indoor play area is required. The outdoor play area is required to be 9,000 SF to 9,375 SF; a 3,000 SF outdoor play area with a 900 SF infant outdoor play area are proposed. The play areas appear to be inadequate.

12. §200-64.C. – The outdoor play area shall be fenced on all sides, and fencing shall be a minimum height of four feet. Provide a fence detail.
13. §200-64.D. – Off-street parking spaces shall be in accordance with §200-73. In addition, during the Conditional Use hearing, it should be discussed how the discharge and pickup of children shall be handled.
14. §200-64.E. – The facility shall be licensed by the applicable departments of the Commonwealth of Pennsylvania and their regulations.
15. §200-73.A.(3). – In any commercial or industrial district, no parking, loading or service area shall be located within 25 feet of the ultimate right-of-way line. Show this offset from Park Road ultimate right-of-way.
16. §200-73.B.(2). and §200-74. – Please indicate where delivery vehicles are intended to park.
17. **(CU)** §200-73.K.(2) and (4) – Where any use or activity is subject to application for approval of a conditional use, modification(s) to the provisions of this section may be requested as part of such application. In approving any application pursuant to Subsection K(2), the Board of Supervisors, as a condition of approval of such application, may permit specific modification(s) to the provisions of this section subject to the conditions outlined in K(4). The applicant does not provide the required number of parking spaces (50) and is seeking a modification to reduce the number provided (39). We defer to Bowman in this matter.
18. §200-79. – A lighting plan in conformance with the requirements of this section shall be provided. We note that the Sheet Index on Sheet 1 indicates "(Reserved) Lighting Plan" and that this sheet was not provided. A lighting plan shall be provided.
19. §200-88.A. – No fence over six feet in height shall be erected within any required yards. Fencing is shown in the required front and rear yards; provide a fence detail showing compliance with the height requirement.
20. §200-93. – The applicant shall clarify what signage is proposed. We defer to the Zoning Officer regarding proposed signage.
21. §200-117.J. The applicant shall submit a site analysis and impact plan, pursuant to §162-9D of Chapter 162, Subdivision and Land Development.

III. **SUBDIVISION AND LAND DEVELOPMENT ORDINANCE REVIEW**

1. §162-9.B.(1)(b) – Provide the closure report and legal description for the consolidated lot.
2. §162-9.B.(1)(h) – The submittal shall include the conservation plan, per Subsection E of this section.
3. §162-9.B.(2)(b)[5] – Any waivers being requested by the applicant, as well as all waivers granted to the applicant by the Board, shall be clearly stated on the first sheet (title plan) of the preliminary plan submission.
4. §162-9.B.(2)(b)[11] – If no wetlands exist on the tract for which the land development is proposed, the plan must include a statement indicating so.
5. §162-9.B.(2)(b)[18] – Location and elevation of the datum to which contour elevations refer shall be stated, and the datum used shall be a known established benchmark. Provide the benchmark used. We note that the plan is based on topography that is 14 years old (Notes 3 and 4 on Sheet 4 of 12); we recommend the topography be verified.
6. §162-9.B.(2)(d), §162-9.D and §162-9.E – The preliminary plan shall be accompanied by a preliminary site analysis and impact plan prepared in accordance with Subsection D and a preliminary conservation plan prepared in accordance with Subsection E.
7. §162-9.H.(1)(b) and §162-9.H.(5). – We defer to the Township's Historical Commission whether an Historic Impact Statement is required. Their comments are included herein.
8. §162-9.H.(4). – A fiscal impact statement shall be prepared for all conditional use, identifying the likely impact of the development on the Township's tax structure and expenditure patterns. We offer the following comments on the submitted Fiscal Impact Analysis.
 - a. Requires the Fiscal Impact Analysis to identify the expenses associated with delivering service to the proposed development. The report includes the conclusions of this analysis but does not provide the actual analysis itself or calculations or data supporting how those conclusions were reached. The cost analysis shall be revised to include sufficient data to demonstrate how the projected expenditures were calculated.
 - b. Requires the Fiscal Impact Analysis to address the impact of the proposed development on the ability of the Township to deliver fire, police, emergency (ambulance), administrative, public works and utility services (also as outlined in §162.H(4)(a) through (d)). In addition, §200-117.K requires that in preparation of the Fiscal Impact Analysis, the applicant shall

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(also) solicit information from Upper Uwchlan Township officials (administration, public works, police, fire and emergency services, parks and recreation) regarding the need to add staff, facilities or equipment in order to properly service the development proposal and the associated costs of providing these services. The Fiscal Impact Analysis shall be revised to address these requirements.

- c. Upper Uwchlan Township levies a Local Services Tax which requires employers to withhold \$10 annually from employee paychecks. The calculation of revenue impacts shall be revised to reflect this required tax.
- d. The Fiscal Impact Analysis shall provide a source or data supporting the indicated total market value for the improved property of \$3.5 million.
- e. Where properties are within 780 feet of a fire hydrant, an additional 0.087 mills are assessed. The report shall indicate whether the additional hydrant millage is applicable, and if so, include that millage in the calculation of revenues.
- f. The Revenue Impacts section indicates that the estimated annual mean wage for employees used to calculate EIT revenues was taken from the Bureau of Labor Statistics May 2022 data for "Childcare Workers," and is \$29,920. However, the BLS website May 2022 data indicates that this amount is \$27,920. The calculations provided shall be revised to accurately indicate the data shown on the Bureau of Labor Statistics website.

9. §162-41.E, G, H and I – Provide a detail for the sidewalk meeting the requirements of these sections.

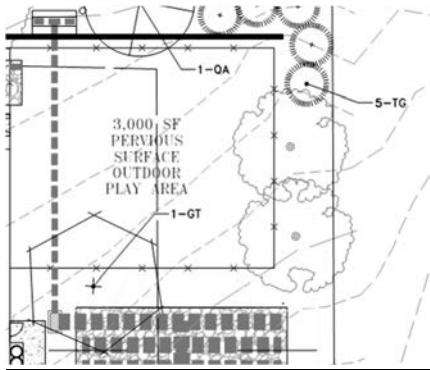
10. §162-49.D – Wherever a public or community water system is provided, fire hydrants or acceptable alternatives shall be installed for fire protection. We note the plans show a fire hydrant on the opposite side of Park Road. We defer to the Fire Marshal.

11. §162-49.E – A will-serve letter shall be provided for the proposed public water.

12. §162-52 – Upon completion of construction, the entire amount of topsoil stripped shall be replaced on the site. No topsoil shall be disposed of, by sale or otherwise, off the site of the construction. Add a note stating same to the Record Plan and the Sequence of Construction.

13. §162-55.B.(2). – No specimen tree(s) shall be removed from any lot or tract except where the applicant demonstrates to the satisfaction of the Board of Supervisors that such removal is essential to eliminate hazardous condition(s) or otherwise permit lawful use of the lot or tract; where permitted, removal of specimen trees shall be minimized. It appears some specimen trees are proposed to be removed. This should be discussed with the Planning Commission.

14. §162-55.B.(5)(a) – This section requires that where existing trees are to remain, no change in existing grade shall be permitted within the dripline of the trees and an appropriate four feet high tree protection fence shall be placed at the dripline of the trees. There are two (2) trees proposed to remain along the eastern property line that show pervious surface play area proposed within the canopy of the trees. Plans should be revised to include tree protection fencing to demonstrate compliance with this section of the ordinance, or a waiver is required.



15. §162-55.B.(7) Replacement trees are required for each tree greater than six inches dbh removed. Based on the size and number of trees proposed to be removed, either four (4) replacement trees (at 4-6.5" caliper) or twenty-three (23) replacement trees (at 3-3.5" caliper) are required to be planted and are in addition to other required landscaping. Plans should be revised to demonstrate compliance with this requirement, or a waiver would be required.

20.(W) §162-57.C.(7). - the interior of each parking area shall have at least one shade tree for every five parking spaces. Based on 39 proposed spaces eight (8) shade trees are required but only four (4) are proposed. Plans should be revised to demonstrate compliance with the requirement of the ordinance, or a waiver would be requested. A waiver has been requested from this requirement.

21.(W) §162-57.D.(1) - Per 1,000 SF of gross building area two (2) deciduous trees, one (1) evergreen tree and eight (8) shrubs are required to be planted and are in addition to any required replacement plantings due to woodland disturbance. Based on the 6,000 SF proposed building 12 deciduous trees, 6 evergreen trees and 48 shrubs are required. The applicant is requesting a waiver from providing 12 deciduous trees and 6 evergreen trees. (48 shrubs are provided.)

22.(W) §162-57.D.(1) - Per 100 linear feet of existing tract boundary where not coincident with existing road frontage, 1 deciduous tree 2 evergreen trees and 8 shrubs are required. Based on the

eastern and southern property lines linear footage, 4 deciduous trees, 8 evergreen trees and 32 shrubs are required. The applicant is requesting a partial waiver from providing 3 evergreen trees (5 are provided) and 2 shrubs (30 are provided). There is a 4-6-foot-high wall proposed along the southern property line that wraps along a portion of the eastern property line.

IV. STORMWATER MANAGEMENT ORDINANCE REVIEW

1. §152-110. – The applicant shall post financial security to the municipality for the timely installation and proper construction of all stormwater management facilities as required by the approved SWM site plan and this chapter.
2. §152-306.J(2) – All infiltration practices shall be set back at least 15 feet from all buildings and features with subgrade elements (e.g., basements, foundation walls, etc.). Clarify whether the proposed building has subgrade elements and label the distance from the building to the UG infiltration beds if applicable.
3. §152-306.J(3) – Setbacks from property lines and rights-of-way for all infiltration practices are to be consistent with accessory structures in the Zoning Ordinance, for the applicable zoning district. Note that the Zoning Ordinance states that no accessory structure shall be located within the front yard, nor within 10-feet of any rear or side lot line. SB-2 is located within the front yard setback from Ticonderoga Blvd. We suggest consideration be given to relocating SB-2 to be under the outdoor play area and not within the required front yard.
4. §152-306.O. – Appropriate permanent measures to prevent or collect sediment shall be installed prior to discharge to the infiltration system. We recommend Snout devices (or similar) be installed in inlets 100, 101 and 102 (inlet numbers per Utility Plan). Note that Infiltration Bed Sequence of Construction (Sheet 7) step #5 states that Snout inserts are proposed. Additionally, Construction Sequence note #8 (Sheet 10) should be revised to note the location of the Infiltration Bed Sequence of Construction. Provide details for the Snout devices and add maintenance procedures to the Stormwater O&M plan as well.
5. §152-306.P. – Where roof drains are designed to discharge to infiltration practices, they shall have appropriate measures to prevent clogging by unwanted debris (for example, silt, leaves and vegetation). Such measures shall include but are not limited to leaf traps, gutter guards and cleanouts. Show the downspouts and roof drains on the plan view.
6. §152-307.A and §152-308.A – The peak flow rate of the post-construction two-year, twenty-four-hour design storm shall be reduced to the predevelopment peak flow rate of the one-year, twenty-four-hour duration precipitation, using the SCS Type II distribution. Provide a flow summary table showing that all flow reductions have been met.

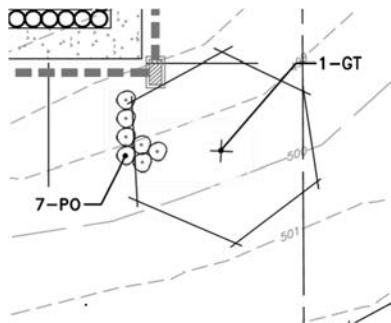
7. §152-402.A.(3) to (5) – Add the statements / signature blocks in these sections to the Stormwater Management Plan (Sheet 6).
8. §152-402.F.(2) and §152-701.D.(1), (2) and F(1) and (2), and §152-703.A. – An Operation and Maintenance agreement shall be prepared and submitted to the municipality for review and approval. The Stormwater Management Plans and the agreement shall be recorded.
9. §152-702.B.(4), §152-702.C., §152-702.D. and §152-702.E. – The statements in these sections shall be added to the Stormwater Management Plan.
10. §152-804 – The statements in this section shall be added to the Stormwater Management Plan.
11. Revise the “Total Post Development Runoff Volume Reduction” on page 15 of the report, as it does not appear correct.
12. Verify the bed width of SB-1 as well as the pipe lengths on the detail on Sheet 7, as it does not match the Summary for Pond in the report or the plan view. Verify the pipe dimensions in the SB-1 detail.
13. Provide stage-storage tables for SB-1 and SB-2.
14. Verify the 12-inch outlet pipe INV on the SB-1 OS detail, as it appears incorrect.
15. Verify that the inlet numbers match in the SB-1 detail and the Utility Plan.
16. Fencing is proposed over SB-2 which shall be revised.
17. Add the Blanket Stormwater Management Easement to the Stormwater Management Plan.

V. GENERAL COMMENTS

1. The requested landscaping waivers should be indicated on the record plan and a waiver request letter should be provided indicating the hardship necessitating the waiver.
2. The Lot consolidation should be shown on the Record Plan, not the existing conditions plan.
3. A preliminary design shall be provided for the retaining walls to verify that any required tie-backs will not conflict with the adjacent FedEx property.
4. Detail how the level spreader (3-feet deep) will be constructed directly adjacent to the retaining wall.

5. A temporary grading easement will be needed for the proposed offsite grading along Park Road.
6. Remove the limit of disturbance (LOD) from all plans except the Erosion & Sediment control plan.
7. Add the off-site grading to the LOD.
8. Provide a detail for the play area pervious surfaces.
9. Clarify the purpose of the 5-foot sidewalk segments at the doors along Park Road building frontage.
10. Revise General Notes #8 to indicate Upper Uwchlan Township (Honey Brook Township is currently noted) and revise the spelling of "March Creek" in General Notes #12 (should be Marsh Creek). Note this is General Notes #13 on some plan sheets.
11. Show all proposed curbing on the Landscape Plan.
12. Revise the text overwrite regarding OCF and survey limits on Sheet 10.
13. Revise the TP-1 and TP-2 labels to be visible (UG piping hides the text).
14. Clarify what appear to be swales in the front yards, as a very flat slope is provided to the inlet. Yard drains may be more appropriate.
15. The Sequence of Construction indicates orange construction fencing around infiltration areas, one of which is under the parking lot. Clarify how any earthwork or construction of parking lot can occur.
16. Clarify in the Sequence of Construction when pavement, sidewalk and the retaining walls are to be installed.
17. Remove reference to the Conservation District from the Sequence of Construction.
18. Remove / relocate the handicap building access notice from the existing conditions plan.

19. All planting islands, proposed curbing and entrance drives need to be shown on the Landscaping Plan (Sheet LP-1).



20. All stormwater BMP details (i.e., infiltration beds, level spreader) should be located on the Stormwater Management Plan. Add a notation to Sheets 5 and 6 indicating these sheets are to be recorded.

21. Verify that the detail for "sealing inlet grates with plywood per detail" (Infiltration Bed Sequence of Construction note #5, Sheet 7) is provided.

22. On Sheet 7: verify "maintaining the grass in and around the basin areas" in the Stormwater Management Facility Maintenance; revise "March Creek" in the Receiving Watershed Notice; verify the Adequacy of Discharge statement; verify the Level Spreader Outfall Contingency Plan discharge limits ("along the entire flowpath to the floodplain"); revise the BMP Maintenance Requirements title to include Erosion and Sediment for clarity.

VI. TOWNSHIP TRAFFIC CONSULTANT COMMENTS

BOWMAN

1. SALDO Section 162-9.H(1)(a) – As outlined in the trip generation analysis, the site will generate 572 total daily trips (320 new daily trips which accounts for a reduction of 252 daily pass-by trips), 132 total trips during the weekday morning peak hour (74 new weekday morning peak hour trips), and 134 total trips during the weekday afternoon peak hour (76 new weekday afternoon peak hour trips). Based on the Township's traffic impact study requirements, a traffic impact study is required when a site generates 200 daily or 20 peak hour trips, and as such, a traffic impact study is required for this site. We recommend the traffic study should include an evaluation of the Park Road intersections with Ticonderoga Boulevard and Little Conestoga Road. In addition, the Pottstown Pike (S.R. 0100)/Park Road/Station Boulevard intersection should also be included in order to account for pass-by traffic. The traffic study should evaluate

existing conditions, as well as future build-out year traffic conditions both without and with the proposed daycare during the weekday morning and weekday afternoon commuter peak hours. Furthermore, due to the proposed driveway spacing with the Windsor Baptist driveways immediately to the north and south of the proposed driveway, the traffic study should include traffic counts at the two closest Windsor Baptist driveways to the north and south of the proposed site driveway.

2. SALDO Section 162-27.1 – This project is located within the C1 zoning district, and is subject to the Township's access management standards. Based on the plan, we offer the following comments with respect to these standards:
 - a. Section 162-27.1.K(1) – The plans should be revised to provide truck turning templates for the largest anticipated vehicle to the site, as well as the Township's largest emergency service vehicle. The truck turning templates will be used to determine the adequacy of the proposed site access/curb radii design and review of the internal site circulation.
 - b. Section 162-27.1.M(1) – This section of the ordinance would require the proposed driveway to align opposite the Windsor Baptist Church driveway across the street; however, if this is not feasible, justification, including the traffic study results, should be provided to support the proposed design.
 - c. It is our understanding that Windsor Baptist Church may be proposing an expansion to their existing facilities that may include a new/relocated access point along Park Road opposite Ticonderoga Boulevard. To the extent possible, the applicant should coordinate with Windsor Baptist regarding any proposed roadway improvements that should be considered for planning purposes as it relates to the proposed 241 Park Road site driveway.
3. SALDO Section 162-28.A – The plans should clearly label and dimension the existing legal right-of-way along the Park Road and Ticonderoga Road site frontages. Since both Park Road and Ticonderoga Road are classified as a minor collector roads, the half-width right-of-way along the site frontage should be 25 feet. Any additional right-of-way required to meet the 25-foot half-width right-of-way requirement should be labeled "Required Right-of-Way (To Be Deeded To Upper Uwchlan Township)".
4. SALDO Section 162-28 – Park Road should provide a half width of 16 feet along the site frontage, which is generally provided; however, in areas where it is less than 16 feet, please provide a minimum of 16 feet from the site driveway north to the intersection with Ticonderoga Boulevard, and modify the site access to locate the driveway curb returns to be set back 16 feet from the road centerline.
5. SALDO Section 162-41 – Sidewalk may be required on the Park Road and Ticonderoga Boulevard site frontages. The plan proposes sidewalk along a portion of the Park Road frontage

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to connect the site parking lot and building entrances to the intersection of Park Road and Ticonderoga Boulevard. We believe this is sufficient, and we do not believe additional sidewalk is necessary on either road, as we note the Township's draft Active Transportation Plan does not envision a further extension of sidewalk along the Ticonderoga Boulevard site frontage or further to the south on the east side of Park Road. However, we recommend new curbing along the Park Road site frontage between the driveway and the corner at Ticonderoga Boulevard, as it will provide added protection for pedestrians, and since the existing limited section of curb is in poor condition.

6. ZO Section 200-73.H and 200-73.K – The proposed daycare requires one parking space per 300 square feet of gross floor area, and one parking space per employee, which equates to 50 parking spaces (i.e., 40 parking spaces for the building size, plus 10 parking spaces for the employees) as outlined in the parking tabulation on sheet 1. However, the plans propose a total parking supply of 39 parking spaces, and the applicant requests a modification of the parking requirements per ZO Section 200-73.K to allow a reduction in the required parking supply. Prior to the Township rendering a decision on this requested parking supply reduction, the applicant should provide technical justification to support the proposed parking supply. Furthermore, the Township Solicitor should review the requested parking reduction based on the requirements described in Section 220-73K.
7. ZO Section 200-75.H(3) – The following comments pertain to the sight distances at the proposed site access intersection:
 - a. The plans indicate adequate sight distance can be provided for traffic exiting the site looking the left with embankment regrading within the Park Road right-of-way south of the southern property line. The plans should be revised to show the full limits of the required sight distance and the design detail for the grading work necessary to achieve the required sight distance. Furthermore, in order to verify the proposed grading, the plans should include a profile of the sight distance line for traffic exiting the driveway looking to the left, including a six inch clearance between the sight line and the proposed ground line.
 - b. A speed study should be conducted along Park Road to determine the prevailing (i.e., 85th percentile) speed of traffic for use in calculating the required safe stopping sight distances for the site access intersection.
 - c. The plans should dimension and label the sight distances for left-turn vehicles entering the proposed driveway looking ahead and behind.
 - d. The plans should include a PennDOT-style sight distance note which states the required sight distances, as follows. The required sight distances should be based on the results of the speed study requested above.

"All sight distance obstructions (including but not limited to embankments and vegetation) shall be removed by the permittee to provide a minimum of XXX sight distance to the left and XXX sight distance to the right for a driver exiting the proposed driveways onto the through highway. The driver must be considered to be positioned ten feet from the near edge of the closest highway through travel lane (from the curbline if curbing is present) at an eye height of three feet six inches (3' 6") above the pavement surface located in the center of the closest highway travel lane designated for use by approaching traffic. This sight distance shall be maintained by the permittee."

8. The ADA curb ramp located on the southeast corner of the Park Road/Ticonderoga Boulevard intersection, as well as the receiving ramp on the northeast corner, should be upgraded to meet current ADA requirements. Detailed curb ramp designs should be provided for review. The detailed designs should include separate grading details (including spot elevations at all proposed grade changes), and all dimensions for construction, including widths, lengths, and all slopes to assist during construction. In addition, please label all proposed curb ramp types, and provide the appropriate PennDOT curb ramp details and notes on the detail sheets. In addition, the existing asphalt curb ramps in these locations should be completely removed in favor of a concrete curb ramp.
9. The plans should be revised to provide a Stop (R1-1) sign and 24-inch painted stop bar along the site access approach to Park Road.
10. Chapter 79-8.C – The proposed redevelopment is located in the Township's Act 209 Transportation Service Area, and as such, this development is subject to the Township's Transportation Impact Fee of \$2,334 per weekday afternoon peak hour trip. As such, based on the trip generation calculations provided by the applicant's traffic engineer, the site will generate 76 new weekday afternoon peak hour trips. Furthermore, the existing home on the site would generate one new weekday afternoon peak hour trip, which can be credited against the total Transportation Impact Fee for the site. As such, the number of trips subject to the Township's Transportation Impact Fee is 75 (76 new trips generated by the proposed site minus one trip generated by the existing home), and the resultant Transportation Impact Fee is **\$175,050**.

VII.

TOWNSHIP PLANNING CONSULTANT COMMENTS

BRANDYWINE CONSERVANCY

1. The proposed development is located within the area identified in the 2014 Upper Uwchlan Comprehensive Plan's Future Land Use Map as Village, areas that would continue to be limited to residential infill that is consistent with current historic structures, considers adaptive reuse of historic buildings for residential purposes, and that consider open space, buffering, and pedestrian needs. More specifically, the proposed development falls within the Eagle Village-

Village of Eagle/Byers Concept Plan of the 2014 Comprehensive Plan, an update to which is currently underway.

The 2014 Village Concept Plan identifies several planning objectives for the village, which include maintaining its visual integrity, preserving Class I and Class II historic resources, providing controlled access to Graphite Mine Road, ensuring traffic access management, enhancing interconnectivity for pedestrians, and providing consistent streetscapes and ample civic spaces throughout.

The proposed development sits on the very edge of the Turnpike sub-area for the 2014 Village Concept Plan, which envisions this area being utilized for larger scale commercial uses, as well as office buildings and light industrial uses.

While the proposed development appears to align with the general goals of the 2014 Village Concept Plan, it does sit at the edge of an area designated for heavier land uses. As such, the Township and applicant should ensure the plant material chosen for the southern property boundary adjacent to parcel 32-3-69.4 is appropriate and would provide adequate screening between the two uses.

2. The Brandywine Conservancy notes the applicant intends to seek modifications to the parking requirements under Section 200-73K of the Zoning Ordinance. Given the nature of the proposed use (pick-up and drop-offs at a day care facility tend to occur over a more prolonged time than at a traditional K-12 institution), the Brandywine Conservancy is in support of this modification request. However, the Township and applicant might consider exploring options for shared parking that might be utilized by staff who work at the day care center.
3. The applicant proposes the use of 2 'Twilight' Crape Myrtle's on the plan. The Township might consider requesting native alternatives, such as eastern redbud (*Cercis canadensis*) or fringe tree (*Chionanthus virginicus*) for the environmental benefits that native species provide. Both are small, compact trees that provide attractive, spring flowers and color. In addition, there are several redbud cultivars that have attractive foliage (Forest Pansy, Rising Sun) that provide for additional seasonal interest.
4. The Township should ensure the applicant has made every effort to conform to the landscaping requirements under Section 162-57 of the Township Code.
5. It is noted that the Landscape Plan is drawn on the existing topography of the site. It is suggested the Landscape Plan include the as-built grade for the property.
6. While not marked specifically on the Plans, it appears that a shallow depression will exist in the northwest corner of the property. If so, and this is part of the proposed stormwater management for the property, consideration should be given to incorporating native vegetation

into this swale for added interest and enhanced environmental benefits, as opposed to turf grass that provides little environmental benefit and can, over time, limit infiltration.

7. The Brandywine Conservancy notes the inclusion of a 5' pedestrian sidewalk along most of the frontage along Park Rd. This will provide for pedestrian access to the facility from nearby residential areas, such as the Townes at Chester Springs, reducing the need for additional vehicular trips and lowering parking needs at the site during drop-off and pick-up times. It also enhances the growing pedestrian network in the Township.
8. Given the proposed development is within the C-1 zoning district, the Township should ensure the applicant is in compliance with the applicable design standards set forth in Section 200-36 of the Township Code, including that the structure be designed with either a traditional village architectural character or be a contemporary expression of traditional styles and forms. Given the proximity of the development to Windsor Baptist Church, a historic resource in Upper Uwchlan Township, the Brandywine Conservancy suggests the Historical Commission review the plans and architectural drawings. In addition, the Township might consider seeking the advice of the Township's Historic Resource Consultant on the proposed schematic of the facility.

VIII. TOWNSHIP SEWER CONSULTANT COMMENTS

ARRO CONSULTING, INC.

1. The site is currently a single-family dwelling. Plans proposed the demolition of the existing single-family home and the construction of a two-story office daycare facility, a play area and parking lot. Based on discussions with the applicant's engineer, the anticipated building capacity is 120-125 children with approximately 20 employees. We estimate the anticipated usage to be 675 gallons per day (GPD) or three (3) equivalent dwelling units (EDUs). The required capacity will need to be purchased by the applicant. We recommend the Township reserve the right to review water usage in the future and require the purchase of additional sanitary sewer capacity if warranted.
2. The following notes shall be on the plan:
 - All sanitary sewer improvements must be provided and installed in accordance with the Upper Uwchlan Township Municipal Authority Technical Specifications for the Construction of Sewer Mains and Appurtenances to be connected to the public sewer system.
 - The Authority Engineer shall be notified 48 hours prior to the beginning of sanitary sewer construction.

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- The existing on-lot septic system shall be decommissioned in accordance with the Chester County Health Department requirements.
- Wastewater discharge shall be in compliance with the Regulations for the Discharge of Non-Residential Waste into the Upper Uwchlan Township Municipal Authority's Sewerage System, Resolution #10-20-04-15, dated October 20, 2004. The Township personnel and/or agents shall have access to site for implementation of this resolution.

- A record (as-built) plan must be submitted to the Authority Engineer.
3. Sewage facilities planning approval will need to be obtained by the Pennsylvania Department of Environmental Protection (PADEP). The current planning approval for this site should be confirmed prior to submission.
4. The proposed invert elevation into the existing sanitary sewer manhole on Park Road should be identified on the profile. It shall also indicate that the connection needs to be core-drilled and include a water-tie boot.
5. The appropriate Standard Authority Sanitary Sewer Details shall be added to the plans.
6. An appropriately-sized grease interceptor shall be provided for any proposed kitchen facilities.
7. The necessary financial security shall be posted with the Township, which shall be in a form and amount acceptable to the Township.

IX. HISTORIC COMMISSION COMMENTS

1. Approve daycare center as conditional use.
2. If 241 Park Road is within 250 feet of the historic Windsor Baptist Church or its parsonage, an historic resources impact statement is required, unless waiver is requested and waiver approved by BOS.
3. In the alternative, an historic resources impact statement is required even if 241 Park Road is more than 250 feet from Windsor Baptist Church or parsonage because 241 Park Road house is "identified" in the Historic Resources Inventory, although without categorization or supporting files.
4. Although unclear if 241 Park Road house is a protected "historic structure" under Section 200-36, due to its relatively recent 1951 building date and lack of architectural significance, the house (and more modern outbuildings) may be demolished

5. Request that Planebrook Partners, LLC demonstrate that its submitted architectural designs for the proposed daycare center are consistent with, and promote, purposes and standards set forth for the C-1 Village Zoning District, including, but not limited to, by providing more details about proposed design and sample materials.
6. Request that Planebrook Partners, LLC provide more information on the proposed signage and exterior building art (duck tracks) to determine if it complies with the C-1 Village Zoning District signage requirements under Ordinance Section 200-98H and other applicable signage sections.

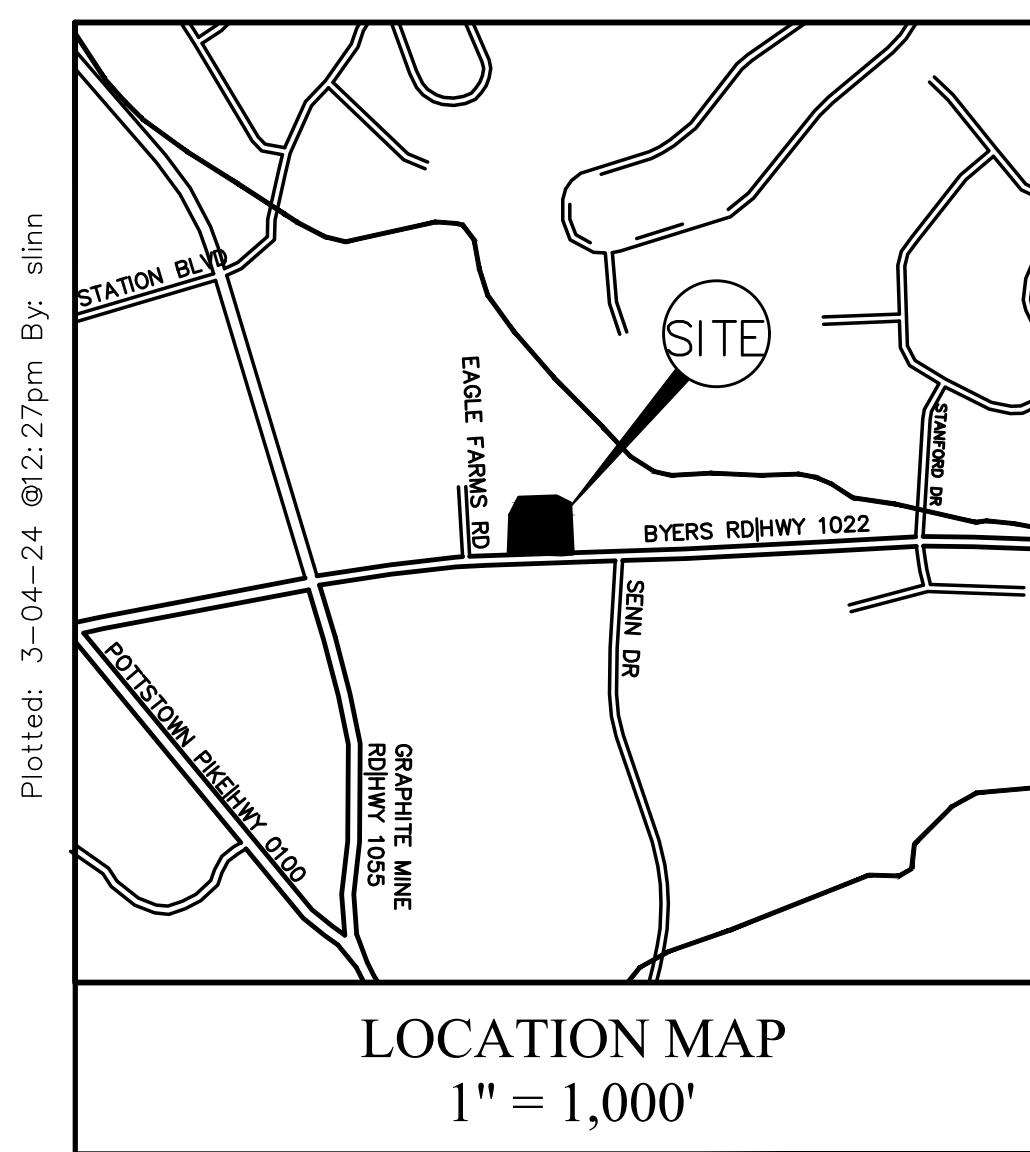
This concludes our first review of the above referenced preliminary land development application. We would recommend the plans be revised to address the above referenced comments. If you have any questions, please do not hesitate to contact me.

Sincerely,

David N. Leh

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

cc: Upper Uwchlan Township Planning Commission Members
Upper Uwchlan Township Board of Supervisors
Upper Uwchlan Historic Commission
Gwen Jonik, Township Secretary
Kristin Camp, Esq., BBM&M
Rob Daniels, ASLA, Brandywine Conservancy
Christopher J. Williams, P.E., McMahon Associates, Inc.
David Schlott, P.E., ARRO Consulting, Inc.
Victor Kelly, Jr., P.E., Commonwealth Engineers, Inc.
Andrew Pancoast, 241 Park Avenue, LLC
Scott Risbon, Planebrook Partners, LLC



ZONING DATA		
C-1 VILLAGE ZONING DISTRICT		
REQUIREMENT - SINGLE	EXISTING	PROPOSED
LOT AREA (GROSS)	61,201 S.F.	61,201 S.F.
LOT AREA (NET)	58,423 S.F.	58,423 S.F.
MAX. BLDG. HEIGHT	35 FT.	2 STORIES, <35 FT.
LOT WIDTH	100 FT.	271.7 FT.
BUILDING SETBACKS		
FRONT YARD:	20 FT. MIN	15.8 FT.*
		107.5 FT.
SIDE YARD:	10 FT. MIN	18.5 FT.
		71.7 FT.
REAR YARD	40 FT. MIN	142.1 FT.
		58.5 FT.
IMPERVIOUS COVERAGE	60%	12,037 S.F. (20.6%)
BUILDING COVERAGE	30%	19,687 S.F. (33.7%)
ACCESSORY STRUCTURE SETBACKS		
FRONT YARD:	20 FT. MIN	82.6 FT.
		82.6± FT.
SIDE YARD	10 FT. MIN	0 FT.*
		0 FT.**
REAR YARD	10 FT. MIN	42.5 FT.
		79.0± FT.

*EXISTING LEGAL NON-COMFORMITY

**CONTINUATION OF EXISTING LEGAL NON-COMFORMITY

PA ONE CALL INFORMATION

COMPANY: AQUA PENNSYLVANIA INC
ADDRESS: 1000 COFFMAN AVE
BRYN MAWR, PA 19010
CONTACT: THOMAS WADDY
EMAIL: TBWADDY@AQUAAMERICA.COM

COMPANY: COMCAST
ADDRESS: 1004 CORNERSTONE BLVD
DOWNTOWN, PA 19335
CONTACT: TOM RUSSO
EMAIL: tom_russo@comcast.com

COMPANY: PECO, AN EXCELSION COMPANY C/O USIC
ADDRESS: 450 S HENDERSON ROAD SUITE B
KING OF PRUSSIA, PA 19406
CONTACT: NIKKIA SIMPKINS
EMAIL: NIKKIASMPKINS@USICLCCOM

COMPANY: UPPER UWCHLAN TOWNSHIP UPPER
UWCHLAN MUNICIPAL AUTHORITY
ADDRESS: 140 POTTSWORTH PIKE
CHESTER SPRINGS, PA 19425
CONTACT: MICHAEL HECKMAN
EMAIL: MHECKMAN@UPPERUWCHLAN-PA.GOV

COMPANY: VERIZON BUSINESS FORMERLY MCI
ADDRESS: 7000 WESTON PKWY
CARY, NC 27513
CONTACT: VICTOR WOOD
EMAIL: victor.s.wood@verizon.com

EXISTING TO PROPOSED PARKING

THE EXISTING FACILITY IS SUPPORTED BY 13 UNSTRIPED PARKING SPACES. THE PROPOSED SITE WILL CONTAIN 36 PARKING SPACES FOR AN INCREASE OF 23 SPACES.

PARKING ANALYSIS

A) EXISTING FACILITY

TOTAL = 13 SPACES PROVIDED

B) PROPOSED USE
USE AND ASSOCIATE PARKING REQUIREMENTS

TOTAL = 36 SPACES REQUIRED

TOTAL PARKING PROVIDED = 36 SPACES

CONCLUSION

36 PARKING SPACES HAVE BEEN PROVIDED WHICH SATISFIES THE POST-DEVELOPMENT PARKING REQUIREMENT OF 36 SPACES.

PUBLIC SEWER SERVICE NOTE

APPLICANT IS PROPOSING TO CONNECT TO PUBLIC SEWER LOCATED IN BYERS ROAD AS A PART OF THIS PROJECT.

DEMOLITION NOTE

BUILDINGS, PAVEMENT, CURBING, TREES, LIGHTS, TRANSFORMERS, POLES, CONCRETE PADS, DRAINAGE PIPING AND OTHER OBJECTS INTERFERING WITH THE SITE IMPROVEMENTS SHALL BE REMOVED AND DISPOSED OF PROPERLY. ALSO ALL UTILITIES SHALL BE REMOVED AND DISPOSED OF THE SITE SHEDDED IN ACCORDANCE WITH PERMITS ISSUED OR TERMINATED. SHEDDED IN ACCORDANCE WITH UTILITY COMPANY OR AUTHORITY REQUIREMENTS. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL PERMITS REQUIRED FOR ANY AND ALL DEMOLITION, INCLUDING HAZARDOUS MATERIALS IN ACCORDANCE WITH PADEP REQUIREMENTS. ALL MATERIALS AND WASTES SHALL BE DISPOSED OF IN ACCORDANCE WITH THE DEPARTMENT'S SOLID WASTE MANAGEMENT REGULATIONS AT 25 PA CODE 260.1 ET. SEQ. AND 267.1 ET. SEQ.

LEGEND

EXISTING	PROPOSED
CONCRETE CURB	
CONC. SIDEWALK	

FENCELINE	
RIGHT OF WAY	
PROPERTY LINE	
IRON PIN	
MONUMENT	
SIGN	
TREE	
EVERGREEN TREE	

BUILDING COVERAGE TABLE		
EXISTING BURNED OFFICE	3,263 S.F.	
EXISTING SHED TO REMAIN	211 S.F.	
EXISTING SHED TO BE REMOVED	120 S.F.	
EXISTING GREENHOUSE TO BE REMOVED	735 S.F.	
EXISTING OUTHOUSE TO REMAIN	37 S.F.	
EXISTING BUILDING COVERAGE:	4,366 S.F.	
NEW BUILDING	5,334 S.F.	
REMAINING OUTHOUSE AND SHED	248 S.F.	
PROPOSED BUILDING COVERAGE:	5,582 S.F.	

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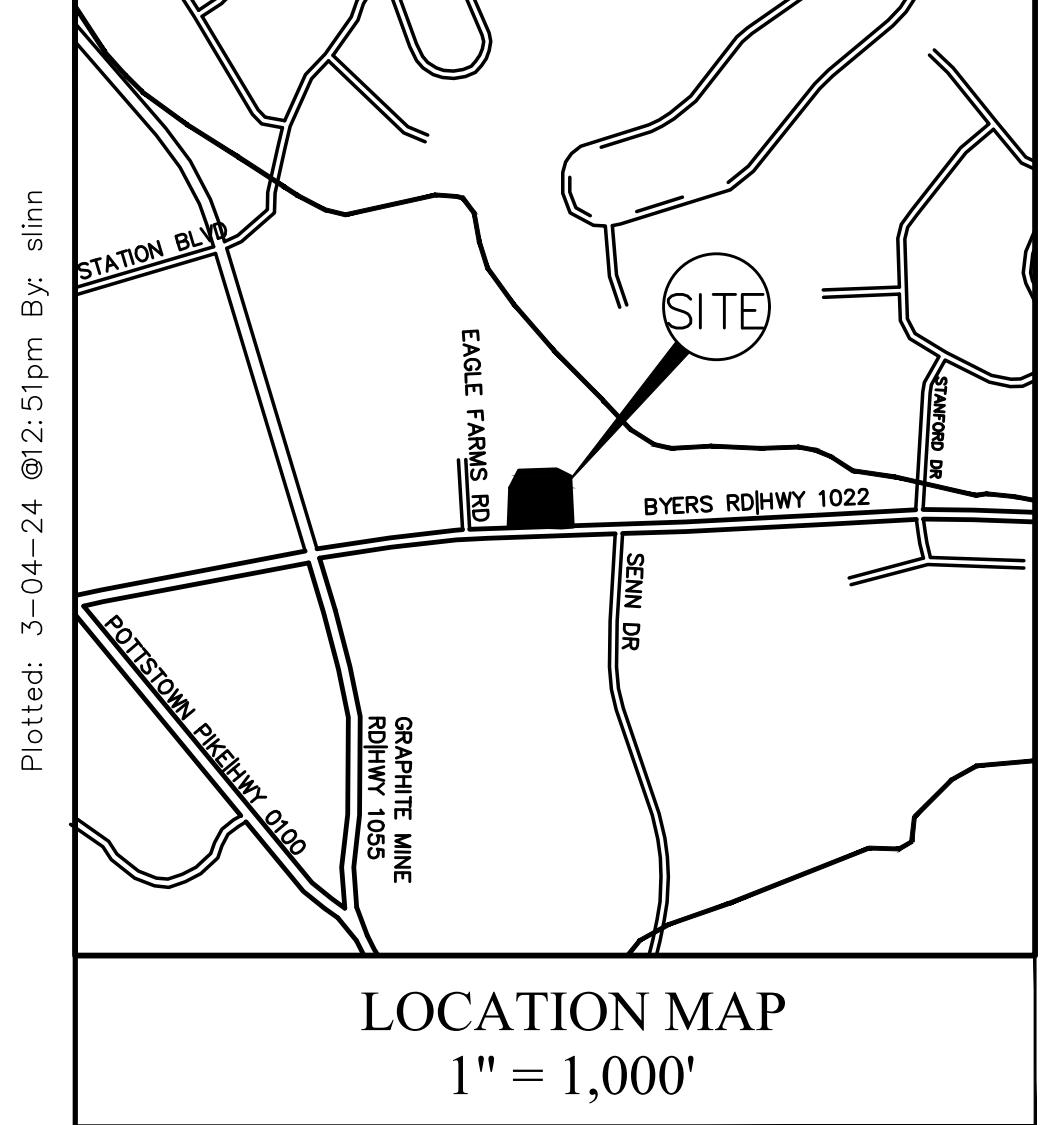
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EXISTING ZONING DATA	
C-1 VILLAGE ZONING DISTRICT	
REQUIREMENT - SINGLE	EXISTING
LOT AREA (GROSS)	61,201 S.F.
LOT AREA (NET)	10,000 S.F. 58,423 S.F.
MAX. BLDG. HEIGHT	35 FT. 2 STORIES, <35 FT.
LOT WIDTH	100 FT. 271.7 FT.
BUILDING SETBACKS	
FRONT YARD:	20 FT. MIN 15.8 FT.*
SIDE YARD:	10 FT. MIN 18.5 FT. MIN
REAR YARD	40 FT. MIN 39.7 FT.*
IMPERVIOUS COVERAGE	60% 12,037 S.F. (20.6%)
BUILDING COVERAGE	30% 4,366 S.F. (7.5%)
BUILDING COVERAGE (<1/2 STORIES)	15% 1,103 S.F. (1.9%)

LOCATION MAP

1" = 1,000'

1. THIS PLAN IS BASED ON A PLAN BY HOWELLKLINE SURVEYING, ENTITLED TOPOGRAPHIC AND PHYSICAL IMPROVEMENTS SURVEY, DATED MAY 19, 2022.
2. ELEVATIONS REFER TO CONTOURS FROM FIELD SURVEY BASED ON GPS SYSTEM, NORTH AMERICAN DATUM OF 1988.
3. BOUNDARY FROM A PLAN BY HOWELLKLINE SURVEYING LLC, ENTITLED TOPOGRAPHIC AND PHYSICAL IMPROVEMENTS SURVEY, DATED MAY 19, 2022.
4. PROPERTY IS IDENTIFIED IN THE HISTORIC ORDINANCE AS HRP NO. 057, KEY NO. 065814, CLASS 1.
5. ADJOINER INFORMATION TAKEN FROM CURRENT TAX RECORDS.
6. UTILITY INFORMATION FROM OBSERVED SURFACE EVIDENCE, ALL UTILITY LOCATIONS AND DEPTHS SHALL BE FIELD VERIFIED PRIOR TO CONSTRUCTION.
7. BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONE 'X' OF THE FLOOD INSURANCE RATE MAP, MAP NO. 42029C0095G, COMMUNITY PANEL NO. 95 OF 380, WHICH BEARS AN EFFECTIVE DATE OF SEPTEMBER 29, 2017.
8. SOIL DELINEATION LINES TAKEN FROM USDA NATIONAL COOPERATIVE SOIL SURVEY THROUGH THE NATURAL RESOURCES CONSERVATION SERVICE CUSTOM SOIL RESOURCE REPORT FOR THIS PROJECT DATED JANUARY 14TH, 2022.
9. SITE IS CURRENTLY SERVICED BY PRIVATE SEWER AND PUBLIC WATER.
10. ALL LANDSCAPING SHOWN ON THE PLANS SHALL BE MAINTAINED AND KEPT CLEAN OF ALL DEBRIS, RUBBISH, WEEDS, AND TALL GRASS.

CHAPTER 93 CLASSIFICATION:

THE SITE DRAINS TO PICKERING CREEK. CHAPTER 93 CLASSIFICATION IS HQ-TS, MF.

SOILS TABLE

(FROM UNITED STATES DEPARTMENT OF AGRICULTURE NATURAL RESOURCES CONSERVATION SERVICE)

SOIL TYPE: CdB - Colloidal loam
DRAINAGE CLASS: Moderately Well Drained
SLOPE RANGE: 3-8
HYDROLOGIC GROUP: D
FRAZIPIAN DEPTH: 20-30 inches
BEDROCK DEPTH: 72-99 inches
SEASONAL WATER TABLE: 0-6 inches
FLOODING POTENTIAL: None
PROFILE PERMEABILITY: Moderately low to moderately high

SOIL TYPE: Ho-Hatboro silt loam
DRAINAGE CLASS: Poorly Drained
SLOPE RANGE: 0-3
HYDROLOGIC GROUP: B/D
BEDROCK DEPTH: 60-99 inches
SEASONAL WATER TABLE: 0-6 inches
FLOODING POTENTIAL: Non-Frequent
PROFILE PERMEABILITY: Moderately high to high

SOIL TYPE: UugB - Urban land-Udorthents, schist and gneiss complex

DRAINAGE CLASS: Moderately low to moderately high

SLOPE RANGE: 0-3
HYDROLOGIC GROUP: C

BEDROCK DEPTH: 20-70 inches

SEASONAL WATER TABLE: 60 inches

FLOODING POTENTIAL: None
PROFILE PERMEABILITY: Moderately low to moderately high

EXISTING CONDITIONS NOTE:
THE EXISTING CONDITIONS OF THIS PLAN REPRESENTS THE SITE AS OF OCTOBER 2023 PRIOR TO A FIRE WHICH DESTROYED THE EXISTING ANIMAL HOSPITAL BULDING AND ITS SUBSEQUENTLY DESTROYED CONCRETE FLOORS. WATER CALCULATIONS, EXISTING CONDITIONS, AND LANDSCAPING REQUIREMENTS ARE BASED ON THESE IMPERVIOUS SURFACES.

DEMOLITION NOTE

BUILDINGS, PAVEMENT, CURBING, TREES, LIGHTS, TRANSFORMERS, POLES, CONCRETE PADS, DRAINAGE PIPING AND OTHERS OBJECTS INTERFERING WITH THE SITE IMPROVEMENTS SHALL BE REMOVED AND DISPOSED OF PROPERLY. ALL UTILITIES CONNECTED TO THE SITE SHALL BE PERMANENTLY TERMINATED OR TEMPORARILY SHUT OFF IN ACCORDANCE WITH UTILITY COMPANY OR AUTHORITY REQUIREMENTS. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL PERMITS REQUIRED FOR ANY AND ALL DEMOLITION, INCLUDING HAZARDOUS MATERIAL IN ACCORDANCE WITH PADEP REQUIREMENTS. ALL MATERIALS AND WASTES SHALL BE DISPOSED OF IN ACCORDANCE WITH THE DEPARTMENT'S SOLID WASTE MANAGEMENT REGULATIONS AT 25 PA CODE 260.1 ET. SEQ. AND 267.1 ET. SEQ.

PA ONE CALL INFORMATION

COMPANY: AQUA PENNSYLVANIA INC
ADDRESS: 762 LANCASTER AVE
CITY: LANCASTER, PA 19601
CONTACT: THOMAS WADDY
EMAIL: TBWADDY@AQUAAMERICA.COM

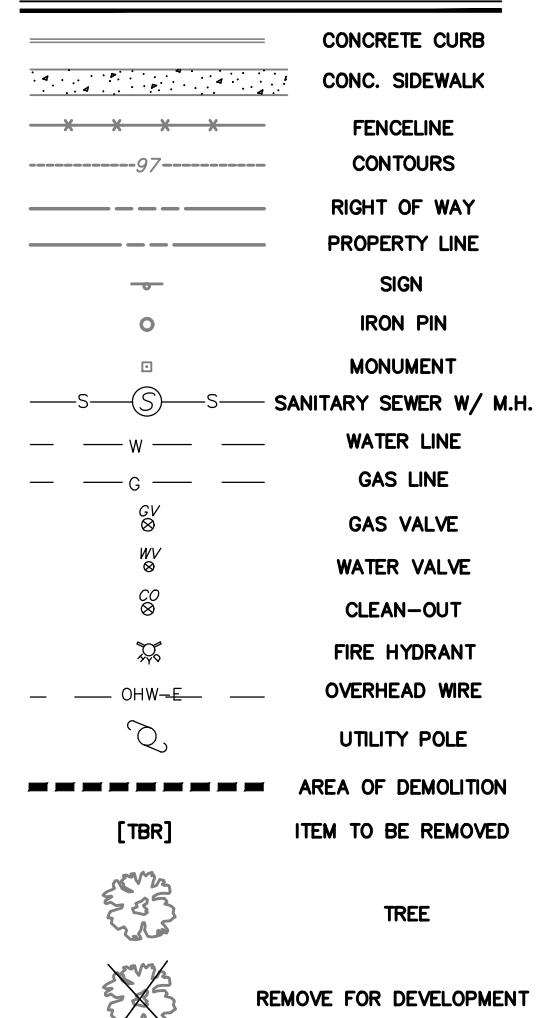
COMPANY: CONCAST
ADDRESS: 1000 CORNERSTONE BLVD
DOWNTOWN, PA, 19335
CONTACT: TOM RUSSO
EMAIL: tom.russ@comcast.com

COMPANY: PECO EXCELON COMPANY C/O
ADDRESS: 1000 HARRISON ROAD SUITE B
KING OF PRUSSIA, PA, 19406
CONTACT: NIKKIA SIMPKINS
EMAIL: NIKKIASIMPKINS@USCILLCOM

COMPANY: UPPER UWCHLAN TOWNSHIP UPP
UWCHLAN MUNICIPAL AUTHORITY
ADDRESS: 140 POTTSVILLE PIKE
CHESTER SPRINGS, PA, 19425
CONTACT: MICHAEL HECKMAN
EMAIL: MHECKMAN@UPPERUWCHLAN-PA.GOV

COMPANY: VERIZON BUSINESS FORMERLY MCI
ADDRESS: 7000 WESTON PKWY
CARY, NC 27513
CONTACT: VICTOR WOOD
EMAIL: victor.s.wood@verizon.com

LEGEND



EXISTING CONDITIONS NOTE

THE EXISTING CONDITIONS OF THIS PLAN REPRESENTS THE SITE AS OF OCTOBER 2023 PRIOR TO A FIRE WHICH DESTROYED THE EXISTING ANIMAL HOSPITAL BULDING AND ITS SUBSEQUENTLY DESTROYED CONCRETE FLOORS. WATER CALCULATIONS, EXISTING CONDITIONS, AND LANDSCAPING REQUIREMENTS ARE BASED ON THESE IMPERVIOUS SURFACES.

SKETCH PLAN STATEMENT OF INTENT

THE PURPOSE OF THIS PLAN IS TO SHOW THE REQUIREMENTS NECESSARY TO CONSTRUCT A NEW BUILDING FOR AN ANIMAL HOSPITAL WHOSE ORIGINAL BUILDING BURNED DOWN. THE PLAN INCLUDES THE IMPROVEMENTS ASSOCIATED WITH THE PROPOSED BUILDING SUCH AS GRADING, LANDSCAPING, AND STORMWATER MANAGEMENT FACILITIES.

CALL BEFORE YOU DIG!

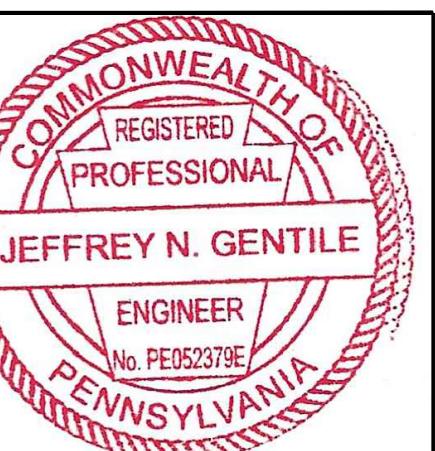
PENNSYLVANIA LAW REQUIRES THREE (3) WORKING DAYS NOTICE FOR CONSTRUCTION PHASE AND TEN (10) WORKING DAYS FOR DESIGN STAGE. UTILITIES MAY BE DISPOSED THROUGH THE ONE-CALL PROCESS IS VALID FOR 90 DAYS FROM THE DATE OF THE CALL.

Pennsylvania One Call System, Inc.

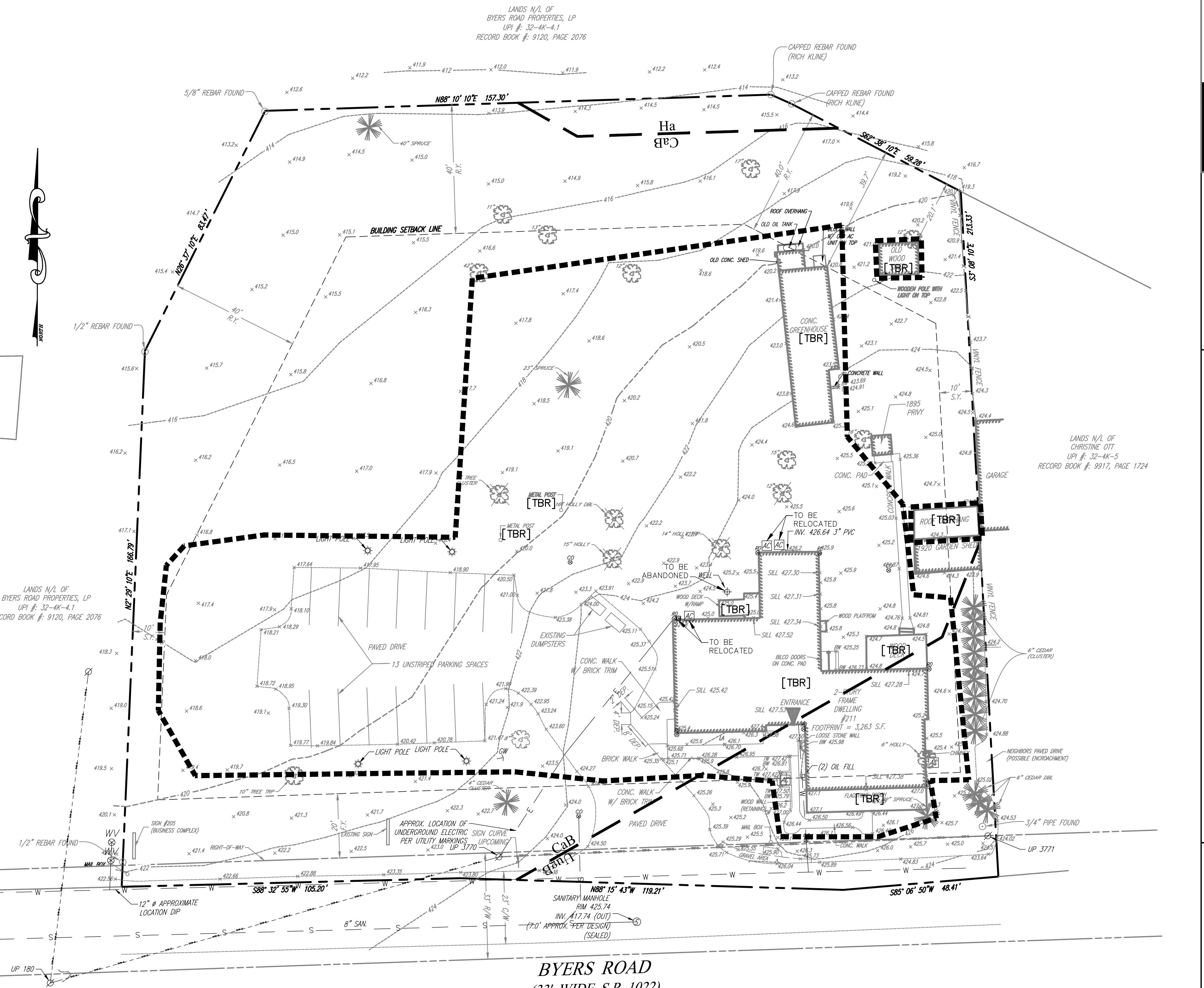
800-242-1776

SERIAL# 2022912121

ONE-CALL DATE: 10/18/2022



OWNER
9 COFFMAN ASSOCIATES, LP
211 BYERS RD
CHESTER SPRINGS, PA 19425
SITE INFORMATION
211 BYERS RD
TAX MAP: 32-4K-4
DB/PG: 7355/455



SKETCH AND EXISTING CONDITIONS PLAN

FOR

EAGLE ANIMAL HOSPITAL

211 BYERS ROAD

UPPER UWCHLAN TOWNSHIP CHESTER COUNTY, PA

LINN ARCHITECTS
1140 N PROVIDENCE ROAD
MEDIA, PENNSYLVANIA 19063
TEL: 610-566-7044
FAX: 610-566-3258
ARCHITECTURE
ENGINEERING
SITE PLANNING
INTERIOR DESIGN

SK-2
SHEET 2 OF 3
PROJ. NO.: 4
SHEET NO.
DATE: 03-04-24
REVISIONS
NO.: 1
SCALE: 1"=20'
DRAWN BY: 2
SFP
CHECKED BY: 3
22222
SK-2 Rev 1
GRAPHIC SCALE
(IN FEET)
1 inch = 20 ft.



#22090

CONCEPT IMAGE
EAGLE VETERINARY HOSPITAL
CHESTER SPRINGS, PENNSYLVANIA 19425

FEBRUARY 2024

LINN ARCHITECTS
MEDIA PENNSYLVANIA



#22090

CONCEPT IMAGE
EAGLE VETERINARY HOSPITAL
CHESTER SPRINGS, PENNSYLVANIA 19425

FEBRUARY 2024

LINN ARCHITECTS
MEDIA PENNSYLVANIA



#22090

CONCEPT IMAGE
EAGLE VETERINARY HOSPITAL
CHESTER SPRINGS, PENNSYLVANIA 19425

FEBRUARY 2024

LINN ARCHITECTS
MEDIA PENNSYLVANIA



#22090

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EAGLE VETERINARY HOSPITAL
CHESTER SPRINGS, PENNSYLVANIA 19425

FEBRUARY 2024

LINN ARCHITECTS
MEDIA PENNSYLVANIA



#22090

CONCEPT IMAGE
EAGLE VETERINARY HOSPITAL
CHESTER SPRINGS, PENNSYLVANIA 19425

FEBRUARY 2024

LINN ARCHITECTS
MEDIA PENNSYLVANIA

Upper Uwchlan Township Historical Commission

**Proposed New Eagle Animal Hospital — Historical Narrative and
Request for Determination of No Adverse Effect with Final Motions**

March 5, 2024 Meeting — Prepared by Vivian S. McCardell, Chair Historical Commission

Eagle Animal Hospital Site

- Eagle Animal Hospital site consists of 1.1 acres and has address of 211 Byers Road. Site is located in Byers Station Historic District (a National Historic District) which is in C-1 Village Zoning District
- Original Eagle Animal Hospital adaptively reused historic A.M.F. Stiteler house which along with historic privy and shed helped form residential and architectural core of Byers — all were important contributing buildings to Byers Station Historic District and its preserved, rural-village setting and appearance and categorized as Class 1 (Township's most important historic resources) on Township's Historic Resource Inventory
- Eagle Animal Hospital owner previously submitted land development application and land development plan to build addition to existing veterinary clinic and enlarge existing parking area
- Owner also previously submitted related Historical Narrative and Request for Determination of No Adverse Effect, dated February 17, 2003, which Historical Commission accepted as required historic resources impact statement and provided related evaluation report
- Rather than build addition, owner decided to rehabilitate existing space to meet business needs
- Rehabilitation began, but veterinary clinic heavily damaged by fire in November 2023 and subsequently demolished in February 2024
- Eagle Animal Hospital owner now proposes to construct new 2-story building with 3,340 s.f. on first floor, 1,250 s.f. on second floor and partial basement, along with enlarging and moving parking area to front of building

Architect's Historical Narrative and Request

- Property owner's architect, has now submitted new "Historical Narrative and Request for Determination of No Adverse Effect," dated February 19, 2024
- Historical Narrative and Request describes new building project and proposed site plan, provides pre- and post-fire photos of A.M.F Stiteler house and out buildings, provides images of proposed new building, information on Byers Station Historic District, and information on Pickering Valley Railroad
- Architect's biography shows historical projects as area of work experience and various awards for historic preservation
- To date, no Land Development Plan has been submitted
- Historical Narrative and Request provides following description of proposed new building and site:
 - Building front visible from Byers Road designed to capture historic aesthetic of other historic buildings in Byers Station Historic District
 - Features included in new design that pay tribute to original building and reflect character of overall village include 2-story structure, sloping shingled roof with 8/12 pitch, 2 pane over 2 pane windows, shutters appropriately sized with raised panel design on first floor and louvered design on second floor, standing seam metal pent roof over front porch and west side exit doors, simulated stone water table, siding with beveled top edge with vertical corner boards (**note — did not see**), shed roof style dormers to avoid too much colonial vocabulary and articulated front wall into 5 separate planes to reduce perceived size
 - Parking lot will have 23 spaces to west and 14 spaces to east of existing driveway with shade trees on south and west sides, and continuous row bushes and low fence between Byers Road and parking lot
 - Non-historic greenhouse and rear shed demolished — historic privy and garden shed retained

C-1 Village District Design Standard Ordinance Requirements

- Section 200-36B(1)(b),(c),(2) — Architectural Design
 - To extent practicable, all new construction and/or additions to existing structures within C-1 Village District shall be designed with either traditional village architectural character or may be contemporary expression of traditional styles and forms, respecting scale, proportion, roof pitch, character, and materials of historic examples in Byers, Eagle and surrounding area, in accordance with following standards:
 - ▶ Where any individual building facade (or adjoining facades which abut flush to same building line) is visible from public right-of-way or public space (including internal public spaces within development) and exceeds 60 feet in length, there shall be clear dimensional differentiation of roofline (i.e., obvious difference in height), and/or offset in facade of at least 10 feet, effectively breaking single facade into two or more facades each no more than 60 feet in length, unless approved by BoS as conditional use under certain circumstances. Building arrangements that rely on repeated use of same long facade element shall not be approved.
 - ▶ New construction shall generally have pitched roofs with overhanging eaves
 - Where flat roofs are provided, they shall be articulated with parapets and cornices.
 - Desired materials on pitched roofs include slate (natural or manmade), shingle (wood or asphalt composition) and metal formed to resemble “standing seams”
 - Roof color should reflect local traditional use of color, and shall specifically exclude white, tan or blue shingles, red clay tiles, and corrugated metal or other corrugated material
 - Use of fascias, dormers, and gables is encouraged to provide visual interest

C-1 Village District Design Standard Ordinance Requirements

- ▶ Exterior wall materials may include stucco, wood clapboard (including vinyl or aluminum imitation clapboard siding), native stone, brick or other material of shape, color and texture similar to that found on historic structures in vicinity
- For all principal and/or accessory uses...applicant shall provide drawings of sufficient detail to illustrate character of intended exterior design of structures, including scale, height, roof pitch, relationship between varying facade elements, and other principal exterior materials
- ▶ Township may require material samples also be provided
- ▶ It shall be burden of applicant to demonstrate that submitted architectural designs are consistent with, and promote, purposes and standards set forth for C-1 Village District

Has Property Owner Shown Proposed New Building Meets C-1 Village District Design Standard Ordinance Requirements?

- It is important that design standards of Section 200-36B are followed for proposed new building to preserve rural-village setting and appearance of Byers Station Historic District
- Historical Commission has following comments on proposed new building and site under Section 200-36B requirements (**HC recommendations shown in red**):
 - HC pleased new building's core retains original building's 5 bays and same feel of front door, but concerned entire new building with 10 bays is massive in comparison to historic buildings in Byers Station Historic District — **Although technically appears to comply with roofline/facade ordinance requirements, HC recommends scaling back building front and extra building space provided in rear where not visible from Byers Road.**
 - HC appreciates attempt to duplicate German siding to fit into Historic District, but from picture it looks more like Dutch lap and we couldn't see "vertical corner boards" — **HC recommends using more of German siding replica and duplicate wooden quoins on building front as on privy unless already done and we just can't see from artist rendering**
 - Dormers are permitted under 200-36B, but HC prefers "peaked" design to fit better with Historic District — **HC recommends "peaked" dormers rather than "flat" shed roof dormers**
 - Front metal pent roof appears to extend beyond building front core — **HC recommends limiting to core, unless it already does and we just can't see from artist rendering**
 - Parking in Eagle and Historic District generally limited to back or side of site with buildings more to property front to preserve historic feel of area. This was important preservation point when chain stores came to Eagle — **HC recommends parking located in rear or to side of property with building located further to front consistent with historic buildings in Historic District, all to extent permitted under Township ordinances**

Has Property Owner Met Historic Resources Impact Statement Requirement?

- Section 162-9H(5)(a) — Historic Resources Impact Statement Applicability
 - Unless waived, historic resources impact statement required when any action listed below proposed within 250 feet of historic resource as identified in Township's Historic Resource Inventory
 - Actions requiring historic resources impact statement include (among other things)
 - ▶ Subdivision or land development plans which lead to new construction of buildings, structures, roads, driveways, parking area, etc.
 - ▶ Subdivision or land development plans which propose adaptive reuse or demolition of historic resources as identified in this chapter
 - ▶ Other land development, land disturbances, or exterior structural alteration
- Section 162-9H(5)(c) — Impact statement must be prepared by qualified professional in historic preservation, historical architecture, planning or related disciplines and presented for discussion at an Historical Commission meeting
- Section 162-9H(5)(e) — Impact statement must be reviewed by Historical Commission and its evaluation and recommendations provided in written report

Has Property Owner Met Historic Resources Impact Statement Requirement?

- Section 162-9H(5)(d) — Historic Resources Impact Statement Content Requirements (**Historical Commission's comments on Historical Narrative and Request noted in red**):
 - Background information.
 - ▶ If not otherwise provided, general site plan and description, including topography, watercourses, vegetation, landscaping, existing drives, etc. — **Topography missing**
 - ▶ General description and classification of all historic resources on subject tract, on tracts immediately adjacent to subject tract or within 250 feet of subject tract — **Historic resources on adjacent tracts (#56 Emeretta Green House and outbuildings) and within 250 feet of subject tract (we would think this includes #65 J.H. Todd House and outbuilding and #64 Woodland House, at least) are not addressed, but included in attached Byers Station Historic District summary**
 - ▶ Physical description of all resources identified in bullet immediately above — **Historic resources on adjacent tracts and within 250 feet of subject tract not addressed, but included in attached Byers Station Historic District summary**
 - ▶ Statement of significance of each historic resource, both relative to Township and region in general — **Historic resources on adjacent tracts and within 250 feet of subject tract not addressed, but arguably included in attached Byers Station Historic District summary**
 - ▶ Narrative description of historical development of subject tract — **Description limited to A.M.F. Stitler's time**
 - ▶ Sufficient number of 8 by 10 inch photos to show every historic resource identified in second bullet from top, in its setting — **Photos for historic resources on adjacent tracts and within 250 feet of subject tract missing**

Has Property Owner Met Historic Resources Impact Statement Requirement?

- Proposed Change
 - ▶ General description of project, including timetable of phases — **Missing timetable**
 - ▶ Description of impact on each historic resource identified in second bullet from the top of prior list as to architectural integrity, historic setting or landscape, and future use — **Historic resources on adjacent tracts and within 250 feet of subject tract not addressed**
 - ▶ General description of effect of noise and traffic and any other impacts generated by proposed change on each historic resource — **Not addressed**
- Mitigation Measures
 - ▶ Recommendations for mitigating project's impacts on historic resources, including design alternatives, screening per section 200-77, landscaping per section 200-78 and any other appropriate measures permitted under terms of this and other Township ordinances — **No discussion about mitigation of impact on historic resources**

Has Property Owner Met Historic Resources Impact Statement Requirement?

- Since property owner will be required to submit land development plan under SALDO Ordinances, historic resources impact statement is required, unless property owner requests waiver and waiver approved by BoS
- Technically, appears that Historical Narrative and Request submitted by architect does not fully satisfy Ordinance's requirements for historic resources impact statement
- In contrast to prior smaller addition project, where HC found Historical Narrative and Request sufficient, current proposal is large wholesale replacement of house and highly visible from Byers Road — therefore, Historical Commission requests Historical Narrative and Request be revised to fully comply with requirements of Section 192-9H(5) and be resubmitted
- Property owners may also request waiver of historic resources impact statement from BoS

Final Motions from March 5, 2024 HC Meeting

Background:

- ▶ Eagle Animal Hospital has provided Historical Commission with a report entitled “Historical Narrative and Request for Determination of No Adverse Effect” (Historical Narrative and Request) for a new proposed veterinary clinic to replace the veterinary clinic in the historic A.M.F. Stiteler house that was recently heavily damaged by fire and later demolished. No land development plan has been submitted at this time.
- ▶ The property is located in Byers Station Historic District and is in the C-1 Village Zoning District.
- ▶ The proposed new building is subject to design standards under Township ordinance Section 200-36 and triggers an historic resources impact statement under Township ordinance Section 162-9H(5).

Recommendations to Property Owner, Planning Commission and Board of Supervisors, as applicable:

- ▶ As to requirements under Section 200-36, the HC has the following recommendations:
 - Although the proposed new building technically appears to comply with the roofline/facade requirements, to the extent practicable, scale back the building front and move that space to the rear of the building where it will not be visible from Byers Road to be more consistent with the size and scale of other historic buildings in Byers Station Historic District
 - Use more realistic German siding replica (if available) and, to the extent practicable, duplicate quoins on building front as were on the house and still can be seen on the privy
 - Architect to provide further information on dormer alternatives
 - Limit the front pent roof to the core
 - To the extent practicable, locate parking in the rear or to the side of the property to preserve the historic feel and character of the area and to be consistent with Eagle and Historic District
- ▶ If the Historical Narrative and Request is intended to be the required historic resources impact statement under Township Ordinance Section 162-9H(5), the Historical Commission requests that the property owner revise the Historical Narrative to comply with the ordinance requirements and resubmit it to the Historical Commission.



UPPER UWCHLAN TOWNSHIP

Planning Commission

February 8, 2024

6:00 p.m. Workshop, 7:00 p.m. Meeting

Minutes

Draft

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

Attendees: Workshop and Meeting

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

Gwen Jonik, Planning Commission Secretary

Absent: Stephen Fean

Sally Winterton called the Workshop to order at 6:05 p.m. There were 2 citizens in attendance.

The Workshop continued to focus on in-law quarters / accessory dwelling units (ADUs). The draft ordinance under discussion – with portions taken from neighboring townships' ordinances -- would allow for an addition or new construction of a 1-2 occupant accessory dwelling unit for family members needing assistance or for the caregiver of a family member who lives in the primary residence, meeting certain conditions and requirements. Discussion revolved around the occupancy of an ADU once the eligible family member or family caregiver is no longer living there. Can or should the ADU be allowed as a regular rental unit or should it remain vacant? Who would enforce the ADU being vacant and how would the Township find out? Should the ADU be listed on the property Deed? If the property sells, what if the new owner doesn't need it for a family member or their caregiver? When the property sells, the Township does a resale use and occupancy inspection and it would be known at that time if the ADU is vacant. The ADU requirements should be disclosed prior to that time. Would it be a problem if it's occupied by someone else? Does it matter if it's an attached ADU or a detached ADU? An ADU is different than an accessory structure – a shed, garage, etc. Some members think this is getting too restrictive. Could an ADU be a mobile home/RV or a manufactured home - a mobile home without wheels, set on a foundation.

"Manufactured Home" is already defined in Chapter 200-7 Definitions. The primary zoning district's setbacks should apply.

Discussion summary: no Deed work necessary; be large enough for 2 people needing care + 1 caregiver; is 1,200 SF too big?; Section 3.(1)(a) strike "his or her"; work on Manufactured Home definition.

Sally Winterton adjourned the Workshop at 6:57 p.m.

7:00 p.m. Meeting

Sally Winterton called the Planning Commission Meeting to order at 7:01 p.m. There were 9 citizens in attendance.

Zoning Hearing Application ~ Keystone Outdoor Advertising Co.

Joe Stoyack announced that this wasn't a land development project and this presentation to the Planning Commission was for informational purposes only.

Vincent Mancini, Esq., and Michael Tantala, P.E., presented the Keystone Outdoor Advertising project. Also present were Keystone Outdoor Advertising President, Dominick Cipollini, and Vice-President, Joseph Felici.

They provided details of the project which is requesting the Zoning Hearing Board approve variances for Keystone to erect (2) 2-sided billboards along the 2,000 SF frontage of the Turnpike at Eaglepointe Industrial Park. One side is proposed digital and subject to change, the other side is static, no changing. They are seeking 3 variances:

1. height variance. They are supposed to be less than 30' from the ground to the top of the sign and they'd like 59' high;
2. variance from downward-only lighting on static signs. With LED lights, they can keep the illumination on the billboard;
3. avoid turning off the static illumination at 10:00 p.m. till dawn.

Following the lengthy presentation, the representatives received comments and answered attendees' questions.

Meeting Updates ~ Reports

Environmental Advisory Council (EAC). There is currently no liaison.

Historical Commission (HC). David Colajezzi reported there are several events in the near future – the County Planning Commission's Heritage Tourism Plan and on March 4, the HC's Quarterly Lecture Series will be kicked off with a presentation about historic Milford Mills.

Active Transportation Plan (ATP). Sally Winterton advised the Plan is complete.

Village Concept Plan (VCP) /Village Design Guidelines (VDG). Sally Winterton advised the final draft of the VDG is being prepared for the Committee's review late March.

Comprehensive Plan (CompPlan). Sally Winterton noted the next meeting is tentative for March 12 and Joe Stoyack noted the individual Plans that go in to the CompPlan need to be pulled together; hoping the first draft will be available for the March 12 meeting; the CompPlan will then go through the appropriate review process. We need to make sure the Boards' and Commissions' comments and recommendations have been incorporated to reflect the vision of Upper Uwchlan Township residents.

Approval of Minutes

Jeff Smith moved, seconded by David Colajezzi, to approve as presented the minutes of the January 11, 2024 Planning Commission Meeting. The motion carried unanimously.

The Planning Commission members discussed whether they wanted to provide comments to the Zoning Hearing Board regarding the Keystone Outdoor Advertising application as a whole or individually. They decided to provide comments as a Commission.

Sally Winterton advised that she and Joe Stoyack have interviewed 2 candidates and will interview a third for the 2 vacancies on the Commission.

The next meeting of the Planning Commission is scheduled for March 14, 2024.

Open Session

Joe Stoyack distributed an analysis he had completed of the open comments provided by the public in the CompPlan Survey. Many thanks to Joe for his time expended on this effort.

Adjournment

Joe Stoyack moved, seconded by David Colajezzi, to adjourn at 9:25 p.m. All were in favor.

Respectfully submitted,
Gwen A. Jonik
Planning Commission Secretary

12/09/2022

Category	C-1 Zoning District
Purpose	<p>A. Preserve the historical development patterns of the villages of Eagle and Byers <u>Station Historic District</u>, and establish standards for <u>new</u> development and coordinated street, <u>parking</u>, and landscape improvements and pedestrian amenities, so as to complement the village setting and provide for safe and convenient access;</p> <p>B. Provide for a variety of uses in a manner which facilitates and promotes pedestrian travel within the village setting.</p>
By-Right	<p>(1) <u>(1)</u> Business or professional office, bank or other financial institution, <u>provided that no drive-through, outside walk-up ATM or other outside service shall be permitted by right.</u></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 <u>is provided</u>, and no dispensing of g</p> <p>(2) <u>asoline shall be permitted and no drive-through, outside walk-up, or other outside service shall be permitted by right.</u></p> <p>(3) Individual retail store, shop or establishment for the sale of groceries and food without table service, including catering establishment, bakery, or confectionery shop, <u>provided that no drive-through, outside walk-up or other outside service shall be permitted by right.</u></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) <u>Restaurant. Including Outdoor Dining in accordance with Section XXXX.</u></p>
Conditional Use	<p>(1) <u>(1)</u> Educational or religious use.</p> <p>(2) Cultural studio or facility.</p> <p>(3) Day-care center.</p> <p>(4) <u>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.</u></p> <p>(5) <u>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.</u></p> <p>(6) Mixed-use dwelling.</p> <p>(7) Bed-and-breakfast inn.</p> <p>(8) <u>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.</u></p> <p>(9) On tracts located adjacent to <u>the Route 100 Bypass Graphite Mine Road</u> 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 <u>the Route 100 Bypass Graphite Mine Road</u>, whether or not access to <u>the Bypass Graphite Mine Road</u> 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 <u>the Bypass Graphite Mine Road where such is not otherwise specifically approved</u>.</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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	<p>provisions of § 200-70 of this chapter, as deemed applicable by the Board.</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 § 200-72.1.</p>
Accessory Use	<p>(1) Bed and breakfast establishment as set forth in § 200-62B(5) Reserved.</p> <p>(2) Home occupation as set forth in § 200-62B(4) Reserved.</p> <p>(3) Any other customary residential or commercial accessory use <u>only</u>, subject to all applicable provisions of § 200-62.</p>
Special Exception	<p>(1) Municipal or public uses; governmental or public utility building or uses.</p> <p>(2) Conversion of dwellings as set forth in § 200-63 Reserved.</p>
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-3 Zoning District
Purpose	<p>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.</p>
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><u>(9) By-Right Uses allowed in the C1 district</u></p> <p><u>(10) Passenger station for public transportation,</u></p>
Conditional Use	<p><u>(1) (4)</u> 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><u>(3) Hotel or motel.</u></p> <p>(4) Bed-and-breakfast inn.</p> <p><u>(5) Bowling lanes, indoor theater, and other place of indoor amusement or recreation.</u></p> <p><u>(6) Sale or dispensing of gasoline as a principal or accessory use.</u></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<u>Reserved.</u></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><u>(13) Laboratory for scientific research and development.</u></p> <p><u>(14) 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>
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 <u>commercial</u> accessory use(s) provided that they are incidental to any permitted principal use

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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	<ul style="list-style-type: none"> 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. 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. B.1. Medical marijuana grower/processor. C. Research, engineering, or testing laboratories. D. Public utility operating facilities. E. Printing or publishing establishment. F. Office building. G. Wholesale warehouse, and distribution. H. Churches/religious uses. <p><u>I. By-Right Uses allowed in the C1 and C3 districts</u></p>
Conditional Use	<p><u>(1) (1)</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:</p> <p>{(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>

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	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	<i>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 Reserved.</i>
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 200 OF THE UPPER UWCHLAN TOWNSHIP CODE TITLED "ZONING" TO ADD DEFINITIONS OF _____ TO SECTION 200-7; TO AMEND THE DEFINITION OF IN SECTION 200-7; TO DELETE CERTAIN DEFINITIONS IN SECTION 200-7; TO AMEND SECTION 200-33 TO AMEND THE USE REGULATIONS FOR THE C-1 ZONING DISTRICT; TO AMEND SECTION 200-39 TO AMEND THE USE REGULATIONS FOR THE C-3 HIGHWAY COMMERCIAL DISTRICT; AND TO AMEND SECTION 200-44 TO AMEND THE USE REGULATIONS FOR THE LI-LIMITED INDUSTRIAL DISTRICT.

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of Upper Uwchlan Township that Chapter 200 of the Upper Uwchlan Township Code, titled "Zoning", shall be amended as follows:

SECTION 1. The following definitions shall be added to Section 200-7:

ATHLETIC CLUB- An enterprise operating as a business or club which charges an admission, entry or membership fee or combination thereof, whether owned by a public or private entity, which is open to the public and provides various athletic or health facilities for its members, including a combination of more than one of the following: gymnasium, swimming pool, nautilus, weights and similar conditioning equipment, tennis, handball, racquetball and similar ball courts and similar athletic facilities which are used to promote fitness and good health.

AUTOMOBILE SERVICE ESTABLISHMENT- The repair, reconditioning and lubrication of motor vehicles and the replacement or installation of motor vehicle parts and accessories when conducted in a repair shop offering a full range of services including body and fender repair, collision repair service and spray painting.

CONTRACTOR'S ESTABLISHMENT- A commercial use which involves offices and/or the storage of supplies, equipment, machinery and materials for contractors and tradesmen such as builders, masons, carpenters and landscapers. Such use does not include retail sales of products or materials.

EDUCATIONAL USE- Land or buildings used for the establishment and maintenance of a public or private secondary or elementary school or other educational institution which is used for the primary purpose of instruction and learning. The term shall exclude driver training schools, heavy equipment training, riding schools and day-care centers.

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."

MICROBREWERY- A facility where more than 250 barrels and less than 15,000 barrels of malt or brewed beverages are produced on-premises on an annual basis and then sold or distributed for off-premises consumption, which is not a restaurant use. A microbrewery must be licensed by the Pennsylvania Liquor Control Board or any successor agency of the commonwealth.

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 Upper Uwchlan 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.

OFFICE BUILDING- A building used primarily for business services, professional and personal services, financial services, government functions or for administrative, managerial or clerical functions.

PERSONAL SERVICE ESTABLISHMENT- An establishment that offers a type of service oriented to personal needs of members of the general public, but not one involving either a professional service or the retail or wholesale sales of products. Personal services include barber, hairdresser, beautician, photographer, tailor, cleaning and pressing establishment, laundromat, shoe repair, household appliance repair, locksmith, massage therapy, pet groomer and similar services.

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.

MINI WAREHOUSE-SELF STORAGE- A building or group of buildings that are divided into individual units, each of which unit is available for rent or lease to the public for the self-storage of tangible personal property. Outdoor storage is only permitted in designated locations on the property if approved in the land development plan for such use.

PUBLIC PLACE OF AMUSEMENT OR RECREATION- Any facility providing recreation and/or amusement to the general public and which may or may not charge an admission or use fee. A public place of amusement or recreation includes, but is not limited to, movie theaters, live theaters, dinner theaters, concert halls, arcades, bowling alleys, amusement parks, fairgrounds, hockey rinks, roller- or ice-skating rinks, moonbounce facilities, batting cages, public golf courses, driving ranges, miniature golf courses, chip-and-putt golf courses, tennis courts, paddle tennis courts, squash courts, handball courts, facilities providing table games, such as billiards, pool and table tennis or any facility of the same general character.

SECTION 2. The definition of "Retail Trade" shall be revised to be "Retail Store."

SECTION 3. The following definitions shall be deleted:

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.

SECTION 4. Section 200-33, titled "Use Regulations" shall be amended as follows:

“§ 200-33. Use regulations.

In the C-1 Village District, the following use regulations shall apply:

- A. Uses by right. In the C-1 Village District, a building may be erected, altered or used, and a lot may be used or occupied by right, for ~~any one, but only one, of~~ the following principal purposes, and no other:
 - (1) ~~Business or professional~~ Office building.
 - (2) Bank or other financial institution.
 - (3) ~~Individual R~~etail 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 and no dispensing of gasoline shall be permitted and no drive-through, outside walk-up, or other outside service shall be permitted by right.~~

~~(4) Individual retail store, shop or establishment for the sale of groceries and food without 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.~~

~~(5)(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.~~

~~(6) (Reserved)⁴~~

~~(7)(5) Medical marijuana dispensary.~~

~~(8)(6) Restaurant, drive-through restaurant, but excluding hookah bar/lounge.~~

~~(7) Bed and breakfast inn.~~

~~(8) Cultural studio.~~

~~(9) Municipal uses.~~

~~(10) Public place of amusement or recreation and athletic club in a building or buildings with 10,000 square feet or less.~~

~~(9)~~

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

(1) Educational or religious use.

(2) Cultural ~~studio or~~ facility.

(3) Day-care center.

~~(4) (Reserved)²~~

~~(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.~~

~~(6)(4) Mixed-use dwelling.~~

~~(7) Bed and breakfast inn.~~

~~(8)(5) (Reserved)³~~

~~(9) On tracts located adjacent to the Route 100 Bypass and south of Byers Road only, any use permitted by right, conditional use, or special exception in the C-3~~

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~~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, whether or not access to the Bypass 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 where such is not otherwise specifically approved.~~

~~(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 provisions of § 200-70 of this chapter, as deemed applicable by the Board.~~

~~(11)(6) Adaptive reuse for historic preservation where permitted indicated as a use subject to approval by the Board of Supervisors as a conditional use in accordance with § 200-72.1.~~

C. Special exceptions. In the C-1 Village District, a building may be erected, altered or used, and a lot may be used or occupied for any of the following principal uses when authorized as a special exception by the Zoning Hearing Board, subject to Article XX of this chapter

(1) ~~Municipal or public uses; G~~overnmental or public utility building or uses.

(2) ~~Conversion of dwellings as set forth in § 200-63. (where does Board want to allow this?)~~

D. Accessory uses. In the C-1 Village District, a building may be erected, altered or used, and a lot may be used or occupied for any of the following accessory uses provided that they are incidental to any of the foregoing permitted principal uses:

~~(1) Bed-and-breakfast establishment as set forth in § 200-62B(5).~~

~~(2) Home occupation as set forth in § 200-62B(4).~~

~~(3)(1) Any ether customary residential or commercial accessory use, subject to all applicable provisions of § 200-62.~~

~~E. Adaptive reuse for historic preservation where indicated as a use by right in accordance with § 200-72.1. [Added 9-19-2016 by Ord. No. 2016-07.]~~

SECTION 5. Section 200-39, titled, "Use regulations" shall be amended as follows:

§ 200-39. Use regulations.

~~On any lot or tract in the C-3 Highway Commercial District with direct frontage on old Route~~

100 (Pottstown Pike) and located north of Ticonderoga Boulevard and south of Byers Road, the use regulations set forth in § 200-33 for the C-1 Village District shall apply. On all other lots or tracts in the C-3 Highway Commercial District, the following regulations shall apply:

Commented [KC1]: Do we want that language to stay in?

A. Uses by right. In the C-3 Highway Commercial District, a building may be erected, altered or used, and a lot may be used or occupied by right, for any ~~one, but only one,~~ of the following principal purposes, and no other:

~~(1) Business or professional office building.~~

~~(2) Bank or other financial institution.~~

~~(3) Passenger station for public transportation.~~

~~(4) 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.~~

~~(5) Restaurant, drive-through restaurant, confectionery shop, bakery, or other place serving food or beverages.~~

~~(6) 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.~~

~~(7) Retail or wholesaling establishment for the sale of plumbing and heating equipment and supplies, lumber yard, including the customary storage and work yards incidental thereto.~~

~~(8) Educational or religious use.~~

~~(9) Cultural studio or cultural facility.~~

~~(10) Medical marijuana dispensary.~~

~~(11) Passenger station for public transportation.~~

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B. Conditional 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 one of the following principal purposes when authorized as a conditional use by the Board of Supervisors, subject to § 200-116 of this chapter. At the reasonable discretion of the Board of Supervisors, conditional uses in the C-3 Highway Commercial District may be approved subject to compliance with any applicable design standard(s) set forth in § 200-36.

- (1) 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.
- (2) Day-care center.

- (3) Hotel or motel.
- (4) Bed-and-breakfast inn.
- (5) ~~Public place of amusement or recreation provided such use is exclusively indoors. Bowling lanes, indoor theater, and other place of indoor amusement or recreation.~~
- (6) Sale or dispensing of gasoline as a principal or accessory use.
- (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.~~
- (8) ~~Sale or bulk storage of coal, petroleum or other fuels; excluding, however, combustible trash or waste.~~
- (9) ~~(8) Automobile 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.~~
- (10) ~~(9) Car wash.~~
- (11) ~~(10) Adaptive reuse for historic preservation where permitted indicated as a use subject to approval by the Board of Supervisors as a conditional use in accordance with Section 200-72.1.~~
- (12) ~~(11) Mixed-use dwelling.~~
- (13) ~~(12) Laboratory for scientific research and development.~~

C. Special exceptions. 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 one of the following principal uses when authorized as a special exception by the Zoning Hearing Board, subject to Article XX of this chapter:

- (1) Municipal or public uses; governmental or public utility building or uses.
- (2) Conversion of dwellings as set forth in § 200-63.⁴

D. 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.

~~E. Adaptive reuse for historic preservation where indicated as a use by right in accordance with § 200-72.1. [Added 9-19-2016 by Ord. No. 2016-07.]~~

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SECTION 6. Section 200-44, titled, "Use regulations" shall be amended as follows:

§ 200-44. Use regulations.

A building may be erected, altered or used, and a lot may be used or occupied, for any of the following purposes, and no other:

A. Uses by right.

~~A-B. (1) 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.~~

~~B-C. Assembly and 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.~~

~~B-1. (2) Medical marijuana grower/processor.~~

~~C. (3) Research, engineering, or testing laboratories.~~

~~D. (4) Public utility operating facilities.~~

~~E. (5) Printing or publishing establishment.~~

~~F. (6) Office building.~~

~~G. (7) Wholesale sales, storage warehouse, and distribution in a building of 20,000 square feet or less.~~

~~(8) Churches/~~R~~eligious uses.~~

~~(9) Public place of amusement or recreation and athletic club in a building of 10,000 square feet or less.~~

~~(10) Mini-warehouse/~~s~~elf storage facility.~~

~~(11) Contractor's establishment.~~

~~E. B- Any one of the following uses when authorized as a conditional use by the Board of Supervisors, subject to § 200-116 of this chapter:~~

~~(1) Surface mining operations.~~

~~(2) Sanitary landfills.~~

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- (3) Junkyard.
- (4) Recycling collection center, excluding processing or transfer station.
- (5) Automobile service establishment. Motor vehicle body or fender repair, including painting or major overhauling.
- (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) ~~No helicopter shall take off or land over areas zoned other than Limited Industrial.~~
 - (b) ~~No helicopter landing pad shall be located within 1,000 feet of any area zoned other than Limited Industrial.~~
 - (c) ~~There shall be a minimum front yard setback of 300 feet for any helicopter landing pad.~~
 - (d) ~~There shall be a minimum side and rear yard setback of 200 feet for any helicopter landing pad.~~
 - (e) ~~The owner and operator of the facility shall enter into an agreement with the Township with respect to the following: fixing the flight for helicopter taking off and/or landing patterns.~~
 - (f) ~~All helicopter flights shall comply with FAR 91.119, pertaining to minimum safe altitude.~~
- (7) ~~(6) Public place of amusement or recreation and athletic club in a building or buildings larger than 10,000 square feet. 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.~~
- (8) ~~(7) Tower-based wireless communication facilities.~~
- (9) ~~(8) 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.~~
- (10) ~~(9) Municipal or public uses; governmental or public utility building or uses.~~
- (11) Wholesale sales, storage and distribution in a building or buildings larger than 20,000 square feet or less.
- (12) Microbrewery and brewery pub.

F. C. Any one of the following uses when authorized as a special exception by the Zoning Hearing Board, subject to Article XX of this chapter:

- (1) Any use similar to the above permitted uses not specifically provided for herein,

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provided that the use meets the performance requirements of § 200-82 of this chapter.

H.D. The following accessory uses shall be permitted provided that they are incidental to any of the foregoing permitted uses:

(1) Customary industrial accessory uses.

(2) 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) No helicopter shall take off or land over areas zoned other than Limited Industrial.
- (b) No helicopter landing pad shall be located within 1,000 feet of any area zoned other than Limited Industrial.
- (c) There shall be a minimum front yard setback of 300 feet for any helicopter landing pad.
- (d) There shall be a minimum side and rear yard setback of 200 feet for any helicopter landing pad.
- (e) The owner and operator of the facility shall enter into an agreement with the Township with respect to the following: fixing the flight for helicopter taking off and/or landing patterns.
- (f) All helicopter flights shall comply with FAR 91.119, pertaining to minimum safe altitude.

G. When authorized as a conditional use by the Board of Supervisors, subject to § 200-116 of this chapter, a building may exceed 35 feet by conditional use approval; however, no building or structure may exceed 45 feet.

H. When authorized as a conditional use by the Board of Supervisors, subject to § 200-116 of this chapter, 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 development:

- (1) Bakeries.
- (2) Retail sales.
- (3) Restaurants; including tavern, brew pub, confectionery, ice cream stand, diner, sandwich or pizza parlor providing both dining and takeout 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 § 200-72.1.

I. Adaptive reuse for historic preservation where indicated as a use by right in accordance with § 200-72.1.

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SECTION 5. 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 6. 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 7. Effective Date. This Ordinance shall become effective five (5) days following the enactment as by law provided.

ENACTED AND ORDAINED this ____ day of _____, 2024.

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

CHESTER COUNTY, PENNSYLVANIA

ORDINANCE Draft 2-9-2024

AN ORDINANCE OF THE TOWNSHIP OF UPPER UWCHLAN, CHESTER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 200 OF THE UPPER UWCHLAN TOWNSHIP CODE TITLED “ZONING” TO ADD DEFINITIONS OF ATHLETIC CLUB, AUTOMOBILE SERVICE ESTABLISHMENT, CONTRACTOR’S ESTABLISHMENT, EDUCATIONAL USE, HOOKAH BAR/LOUNGE, MICROBREWERY, MINI WAREHOUSE/SELF STORAGE, MUNICIPAL USE, OFFICE BUILDING, PERSONAL SERVICE ESTABLISHMENT, PUBLIC PLACE OF AMUSEMENT OR RECREATION AND RECREATIONAL USES IN SECTION 200-7; TO AMEND THE DEFINITION OF RETAIL TRADE TO BE RETAIL STORE IN SECTION 200-7; TO DELETE THE DEFINITIONS OF RECREATION, ACTIVE AND RECREATION, PASSIVE IN SECTION 200-7; TO AMEND THE USE REGULATIONS FOR THE C-1 VILLAGE DISTRICT IN SECTION 200-33; TO AMEND THE USE REGULATIONS FOR THE C-3 HIGHWAY COMMERCIAL DISTRICT IN SECTION 200-39; AND TO AMEND THE USE REGULATIONS FOR THE LI-LIMITED INDUSTRIAL DISTRICT IN SECTION 200-44.

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

SECTION 1. The following definitions shall be added to Section 200-7, titled, “Definitions and word usage”:

ATHLETIC CLUB- An enterprise operating as a business or club which charges an admission, entry or membership fee or combination thereof, whether owned by a public or private entity, which is open to the public and provides various athletic or health facilities for its members, including but not limited to the following: gymnasium, swimming pool, nautilus, weights and similar conditioning equipment, tennis, handball, racquetball and similar ball courts and similar athletic facilities which are used to promote fitness and good health.

AUTOMOBILE SERVICE ESTABLISHMENT- A facility for the repair, reconditioning and lubrication of motor vehicles and the replacement or installation of motor vehicle parts and accessories when conducted in a repair shop offering a full range of services including body and fender repair, collision repair service and spray painting.

CONTRACTOR’S ESTABLISHMENT- A commercial use which involves offices and/or the storage of supplies, equipment, machinery and materials for contractors and tradesmen

such as builders, masons, carpenters and landscapers. Such use does not include retail sales of products or materials.

EDUCATIONAL USE- Land or buildings used for the establishment and maintenance of a public or private secondary or elementary school or other educational institution which is used for the primary purpose of instruction and learning. The term shall exclude driver training schools, heavy equipment training, riding schools and day-care centers.

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."

MICROBREWERY-A facility where more than 250 barrels and less than 15,000 barrels of malt or brewed beverages are produced on-premises on an annual basis and then sold or distributed for off-premises consumption, which is not a restaurant use. A microbrewery must be licensed by the Pennsylvania Liquor Control Board or any successor agency of the commonwealth.

MINI WAREHOUSE-SELF STORAGE- A building or group of buildings that are divided into individual units, each of which unit is available for rent or lease to the public for the self-storage of tangible personal property. Outdoor storage is only permitted in designated locations on the property if approved in the land development plan for such use.

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 Upper Uwchlan 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.

OFFICE BUILDING- A building used primarily for business services, medical services, professional and personal services, financial services, government functions or for administrative, managerial or clerical functions.

PERSONAL SERVICE ESTABLISHMENT-An establishment that offers a type of service oriented to personal needs of members of the general public, but not one involving either a professional service or the retail or wholesale sales of products. Personal services include but are not limited to a barber, hairdresser, beautician, photographer, tailor, cleaning and pressing establishment, laundromat, shoe repair, household appliance repair, locksmith, massage therapy, pet groomer and similar services.

PUBLIC PLACE OF AMUSEMENT OR RECREATION-Any facility providing recreation and/or amusement to the general public and which may or may not charge an admission or use fee. A public place of amusement or recreation includes, but is not limited to, movie theaters, live theaters, dinner theaters, concert halls, arcades, bowling alleys, amusement

parks, fairgrounds, hockey rinks, roller- or ice-skating rinks, moonbounce facilities, batting cages, public golf courses, driving ranges, miniature golf courses, chip-and-putt golf courses, tennis courts, paddle tennis courts, squash courts, handball courts, facilities providing table games, such as billiards, pool and table tennis or any facility of the same general character.

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.

SECTION 2. The definition of “Retail Trade” in Section 200-7 titled, “Definitions and word usage”, shall be revised to be “Retail Store.”

SECTION 3. The following definitions in Section 200-7 titled, “Definitions and word usage”, shall be deleted:

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.

SECTION 4. Section 200-33, titled “Use Regulations” for the C-1 Village District shall be amended as follows:

“§ 200-33. Use regulations.

A. Uses by right. In the C-1 Village District, a building may be erected, altered or used, and a lot may be used or occupied by right, for the following principal purposes, and no other:

- (1) Office building.
- (2) Bank or other financial institution.
- (3) Retail store, provided that no adult-oriented use and no dispensing of gasoline shall be permitted.
- (4) Personal service establishment
- (5) Medical marijuana dispensary.
- (6) Restaurant, drive-through restaurant, but excluding hookah bar/lounge.

- (7) Bed and breakfast inn.
- (8) Cultural studio.
- (9) Municipal uses.
- (10) Public place of amusement or recreation and athletic club in a building or buildings with 10,000 square feet or less.

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

- (1) Educational or religious use.
- (2) Cultural facility.
- (3) Day-care center.
- (4) Mixed-use dwelling.
- (5) Adaptive reuse for historic preservation where permitted as a use subject to approval by the Board of Supervisors as a conditional use in accordance with § 200-72.1.

C. Special exceptions. In the C-1 Village District, a building may be erected, altered or used, and a lot may be used or occupied for any of the following principal uses when authorized as a special exception by the Zoning Hearing Board, subject to Article XX of this chapter.

- (1) Governmental or public utility building or uses.

D. Accessory uses. In the C-1 Village District, a building may be erected, altered or used, and a lot may be used or occupied for any customary commercial accessory use, subject to all applicable provisions of § 200-62.

SECTION 5. Section 200-39, titled, "Use regulations" for the C-3 Highway Commercial District shall be amended as follows:

“§ 200-39. Use regulations.

On any lot or tract in the C-3 Highway Commercial District with direct frontage on Route 100 (Pottstown Pike) and located north of Ticonderoga Boulevard and south of Byers Road, the use regulations set forth in § 200-33 for the C-1 Village District shall apply. On all other lots or tracts in the C-3 Highway Commercial District, the following regulations shall apply:

- A. **Uses by right.** In the C-3 Highway Commercial District, a building may be erected, altered or used, and a lot may be used or occupied by right, for any one, but only one, of the following principal purposes, and no other:
 - (1) Office building.
 - (2) Bank or other financial institution.
 - (3) Passenger station for public transportation.
 - (4) Retail store, provided that no sale or dispensing of gasoline or other fuels and no adult-oriented use shall be permitted.
 - (5) Restaurant, drive-through restaurant.
 - (6) Personal service establishment.
 - (7) Educational or religious use.
 - (8) Cultural studio or cultural facility.
 - (9) Medical marijuana dispensary.
 - (10) Passenger station for public transportation.
- B. **Conditional 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 one of the following principal purposes when authorized as a conditional use by the Board of Supervisors, subject to § 200-116 of this chapter. At the reasonable discretion of the Board of Supervisors, conditional uses in the C-3 Highway Commercial District may be approved subject to compliance with any applicable design standard(s) set forth in § 200-36.
 - (1) 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.

- (2) Day-care center.
- (3) Hotel or motel.
- (4) Bed-and-breakfast inn.
- (5) Public place of amusement or recreation provided such use is exclusively indoors.
- (6) Sale or dispensing of gasoline as a principal or accessory use.
- (7) Vehicular sales establishment and sale of farming equipment.
- (8) Automobile service establishment.
- (9) Car wash.
- (10) Adaptive reuse for historic preservation where permitted as a use subject to approval by the Board of Supervisors as a conditional use in accordance with Section 200-72.1.
- (11) Laboratory for scientific research and development.

C. Special exceptions. 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 one of the following principal uses when authorized as a special exception by the Zoning Hearing Board, subject to Article XX of this chapter:

- (1) Municipal or public uses; governmental or public utility building or uses.

D. 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.

SECTION 6. Section 200-44, titled, "Use regulations" for the LI-Limited Industrial District shall be amended as follows:

§ 200-44. Use regulations.

A. Uses by right.

- (1) Assembly and manufacture of light industrial products.
- (2) Medical marijuana grower/processor.
- (3) Research, engineering, or testing laboratories.

- (4) Public utility operating facilities.
- (5) Printing or publishing establishment.
- (6) Office building.
- (7) Wholesale sales, storage and distribution in a building or buildings of 20,000 square feet or less.
- (8) Religious uses.
- (9) Public place of amusement or recreation and athletic club in a building of 10,000 square feet or less.
- (10) Mini-warehouse/self storage facility.
- (11) Contractor's establishment.

B. Conditional uses. Any one of the following uses when authorized as a conditional use by the Board of Supervisors, subject to § 200-116 of this chapter:

- (1) Surface mining operations.
- (2) Sanitary landfills.
- (3) Junkyard.
- (4) Recycling collection center, excluding processing or transfer station.
- (5) Automobile service establishment.
- (6) Public place of amusement or recreation and athletic club in a building or buildings larger than 10,000 square feet.
- (7) Tower-based wireless communication facilities.
- (8) 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.
- (9) Municipal or public uses; governmental or public utility building or uses.
- (10) Wholesale sales, storage and distribution in a building or buildings larger than 20,000 square feet or less.
- (11) Microbrewery.

(12) The following additional uses shall be permitted when established on a property designated by the Township as a Historic Resource on the Historic Resource Inventory, where historical building(s) shall be adaptively re-used:

- (a) Restaurants.
- (b) Retail sales.

C. Special exception. Any one of the following uses when authorized as a special exception by the Zoning Hearing Board, subject to Article XX of this chapter:

- (1) 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.

D. Accessory uses. The following accessory uses shall be permitted provided that they are incidental to any of the foregoing permitted uses:

- (1) Customary industrial accessory uses.
- (2) 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) No helicopter shall take off or land over areas zoned other than Limited Industrial.
 - (b) No helicopter landing pad shall be located within 1,000 feet of any area zoned other than Limited Industrial.
 - (c) There shall be a minimum front yard setback of 300 feet for any helicopter landing pad.
 - (d) There shall be a minimum side and rear yard setback of 200 feet for any helicopter landing pad.
 - (e) The owner and operator of the facility shall enter into an agreement with the Township with respect to the following: fixing the flight for helicopter taking off and/or landing patterns.
 - (f) All helicopter flights shall comply with FAR 91.119, pertaining to minimum safe altitude.

E. When authorized as a conditional use by the Board of Supervisors, subject to § 200-116 of this chapter, a building may exceed 35 feet by conditional use approval; however, no building or structure may exceed 45 feet.

SECTION 7. 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

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 8. 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 9. Effective Date. This Ordinance shall become effective five (5) days following the enactment as by law provided.

ENACTED AND ORDAINED this _____ day of _____, 2024.

ATTEST:

**UPPER UWCHLAN TOWNSHIP
BOARD OF SUPERVISORS**

Gwen A. Jonik, Secretary

Jennifer F. Baxter, Chair

Andrew P. Durkin, Vice-Chair

Sandra M. D'Amico, Member