

# East Whiteland Township

Planning Commission

Wednesday – August 22, 2018

## Minutes

**Members Present:** Deb Abel, Chair; Todd Asousa; Peter Fixler; John Laumer; Jeff Broadbelt and Dante Bradley

**Also Present:** Zachary Barner, Director of Planning & Development; Donna Wikert, Board Secretary; Joe McGrory, Township Solicitor

### **Call to Order:**

Ms. Abel called the meeting to order at 7:30 and led the Pledge of Allegiance.

### **Minutes:**

Approval of the July 25, 2018 meeting minutes

Mr. Fixler made a motion, seconded by Mr. Broadbelt, to approve the minutes as draft. The motion carried unanimously (5-0).

### **Zoning Hearing Board Applications:**

1. [ZHB-2018- 11 for “JDT Construction Office”](#) (215 South Phoenixville Pike, LLC) – Sketch Plan application pursuant to §200-115.D(5), which states that the Planning Commission must review all Zoning Hearing Board applications which are “...required in conjunction with applications for land development...” The Applicant seeks a dimensional variance from §200-31 to allow 10’ parking setback where 20’ is required. The property, located at 215 S. Phoenixville Pike, is within the OB/P (Office Business Park) zoning district.

The applicant intends to improve the property with two buildings for industrial and business office uses and associated parking. The development of the property includes drive aisles, which are necessary to provide vehicles with access to the property’s parking area. The property is long and narrow, tapering from west to east to a width of approximately 15 feet. Due to the narrowness and other factors, development of the property under the existing setback and yard requirements is problematic. The variance sought is the minimum relief necessary to accommodate development of the site.

Mr. Asousa made a motion, seconded by Mr. Fixler, to recommend approval by the Zoning Hearing Board. The motion carried unanimously (5-0).

### **Conditional Use Applications:**

2. [2018-08-CU for “Flat Road”](#) (Artisan Construction Group, LLC) – Conditional Use application pursuant to §200-26.F, which states that “in a development undertaken pursuant to the provisions for cluster development, the maximum permitted tract density may be increased by 25% above the respective district maximum density per developable acre for cluster development, as outlined in §200-20.” This provision is pursued relative to the preservation of the historic resource (cemetery) located at the northeast corner of the site. This Application is associated with Subdivision & Land Development Application [2018-04-DP](#), which seeks to construct forty-seven (47) new single-family detached homes utilizing cluster/open space design provisions. The property, located at 60 Flat Road, is within the R-1 (Residential) zoning district.

Rob Lewis, attorney for the applicant, gave a brief update of the proposed project. The Applicant is seeking a positive recommendation to the Board of Supervisors for Conditional Use approval in advance of the formal hearing process.

Mr. Lewis explained that his client is now the legal owner of the property – no longer just an equitable owner (with the property under agreement).

The Applicant was before the Commission in March and has since revised the plans in an effort to comply with the various consultant review letters. The Land Development plan will remain active while the Applicant pursues the Conditional Use authorization. In this sense, the applications are separate but related. Mr. Lewis advised that the Conditional Use Hearing is set for August 29<sup>th</sup>, 2018.

Mr. Lewis explained that there are five criteria associated with the “historic resource density bonus.”

- Preservation of a Historic Resource – the Applicant proposes to preserve and restore the cemetery by repointing and rebuilding the existing walls; preserving the gates; providing site access via parking lot; lighting and landscaping; and relocating Flat Road.
- Historic Resource Impact Study – the Applicant previously requested waiver from this requirement. Mr. Lewis explained that normally one would provide this type of study when the resource is being substantially altered or demolished. The Applicant has prepared an impact study, which will be submitted for review by the Board in advance of the Hearing.
- Review by the Historical Commission – the Applicant has been before the Commission on multiple occasions to discuss the project. The Applicant has incorporated the Commission’s recommendations into the proposed design.
- Means to Provide Protection – the future homeowners association (HOA) will be responsible for the ownership and maintenance of the open space and the (restored) cemetery.
- Financial Justification for Increased Density – financial documentation will be submitted and presented to the Board during the Hearing process.

The Planning Commission outlined their concerns over a recommendation to the Board of Supervisors. These concerns are summarized below:

- Method for determining the value of the land and cemetery improvements in order to justify the additional density. Nothing has been submitted for either the Historical Commission or Planning Commission to review.
- Calculations used to determine the 50% open space. There have been several scenarios proposed since the plans were first submitted. It appears that the stormwater basin and other features have been included in the required open space areas – which may not be permitted.
- Ongoing concerns over the blasting and water level fluctuation at the adjacent quarry.
- Proposed lighting (and corresponding impacts) of the cemetery and parking area.
- Information disclosure to the prospective home buyers, especially with regard to sink holes and quarry blasting.
- General incompatibility of residential uses in such close proximity to the quarry.
- Potential burden on the future HOA for maintenance of the cemetery, open space, and proposed trail.
- Enforcement of the buffer requirements.

- Completeness of the application, particularly the failure to submit the historic resource impact study for review by the Historical Commission and Planning Commission.

*Ms. Abel opened the floor to the Public for comment.*

Various members of the audience voiced their concerns over the proposed development:

- Existing speed enforcement and traffic issues being exacerbated by additional residents and vehicles.
- Potential impact on the School District from additional school-aged students.
- The value of preserving the cemetery in relation to other potential impacts on community services (police, fire, ambulance, etc.).
- The relevance of the previously approved plan for 23 homes in relation to this new (separate) application for additional homes.
- The existence of sinkholes on the property and how to ensure the safety of existing and future residents.
- The adequacy of the proposed road network with regard to emergency access.

Mr. McGrory explained that the Conditional Use process involves a formal hearing (or series of hearings) where the Board acts in a judicial capacity and the applicant presents evidence under sworn testimony, often by calling subject-matter experts. Mr. McGrory advised that public comment must be given in-person during the hearing process and that petitions are not able to be entered as evidence. Residents and surrounding property owners are encouraged to request “party status” in order to have standing in the hearing process.

Mr. Asousa made a motion, seconded by Mr. Laumer, to oppose the Flat Road Conditional Use Application, citing concerns over potential impacts and the lack of information regarding the financial justification required by the ordinance. The motion carried unanimously (5-0).

#### **Ordinance Amendments:**

3. In an effort to increase walkability and pedestrian safety in the Township, Planning & Zoning Staff are recommending that a basic sidewalk provision be inserted into the Subdivision & Land Development Ordinance which would require new applications for subdivision and land development to install sidewalks. This item is for discussion purposes only, no ordinance language has yet been drafted.

The Commission expressed that they were in support of moving forward with a sidewalk ordinance. Staff will work with McMahon Associates and the Solicitors Office.