



WEST WHITELAND TOWNSHIP
Planning Commission
Agenda
Tuesday, May 23, 2023
7:00 P.M.

[Etiquette for
hybrid meetings](#)

Meeting will be held in-person and via Zoom

[Register for Zoom Meeting](#)

Call by Phone: 1-646-558-8656

Meeting ID: 822 8294 3365 Passcode: 002612

Meeting Packets can be found on Township website

Reminder to meeting participants: Please speak clearly into the microphone

CALL TO ORDER

REVIEW OF MEETING MINUTES

1. Approval of Meeting Minutes: May 2, 2023

PUBLIC COMMENT/CONCERNS/QUESTIONS

PLANS

1. South Whitford Associates
Address: 397 E Clover Mill Rd.
First Review: Sketch Plan
Description: Proposed subdivision to include one lot with existing storage facility and the other lot to be a townhouse development with 73 units.

NEW BUSINESS

OLD BUSINESS

1. Zoning Ordinance amendments

PC CONCERNS

TOWNSHIP ANNOUNCEMENTS

ADJOURNMENT

Next Meeting: June 6, 2023



MEMORANDUM

DATE: May 19, 2023
TO: Planning Commission
FROM: John R. Weller, AICP
Director of Planning and Zoning

SUBJECT: South Whitford Associates
Sketch plan for Zoning Ordinance
amendment

APPLICANT: South Whitford Associates, Inc.
c/o Management Assistance Group
16 Industrial Blvd.
Paoli, PA 19301

SITE ADDRESS: 397 & 360 E. Clover Mill Rd.
Exton, PA 19341

TAX PARCELS: 41-5-125.2G and 41-5-126.3

ZONING: I-1, Limited Industrial

DESCRIPTION: Potential request for Zoning Ordinance amendment to
allow development for residential use.

Background

The subject tract consists of the Exton Store-N-More self-storage facility property and the currently vacant lot adjoining it to the east. The tract has total area of about 17.8 acres. Both lots have access to S. Whitford Rd. from E. Clover Mill Rd., a private, dead-end street extending east from the intersection of Clover Mill and S. Whitford Rds.

The property is generally level. Beyond the area occupied by the storage facility, the site is a combination of open and wooded areas. There are two steep-sided ponds on the tract, both remnants of the Thomas Brothers Marble Quarry, which ceased operation at the end of the 19th century. The larger pond - at the north end of the site - was known as the "Blue Hole" and was a popular swimming spot until about 1970. As shown on the plan, FEMA-designated flood hazard areas associated with Indian King Run graze the eastern edge of the site.

The Applicant is proposing to reconfigure the lots slightly to accommodate the storage facility on a 4.4-acre lot (the current lot is about 5.8 acres) and provide a vacant 13.4-acre lot for residential development. As shown on the plan, the development would consist of 73 town-house units around a loop road extending east from E. Clover Mill Rd. The existing ponds and floodplain areas would be undisturbed. The plan also shows a possible connection to the Chester Valley Trail, although this crosses property that is not owned by the Applicant, so it is not clear how this could be provided. The Zoning Officer has determined that the proposed

residential use is not permitted by the provisions of the Limited Industrial (I-1) zoning district, so the Applicant is requesting review pursuant to a possible future petition for an amendment to the West Whiteland Township Zoning Ordinance (“Zoning”).

The Commission will recall that sketch plans are not a required step in the development process and that Applicants have the option of having one or more of our consultants review the plan or proceeding with just a Staff review. This Applicant has requested Staff review only, so there are no consultant comments.

Staff Comment

Staff does not support this application. The design, while efficient, is not especially creative, and does not present a compelling case for amending the Zoning. We note that a residential area here would be isolated from the rest of the Township by both existing non-residential development and undevelopable wetlands.

Staff offers the following observations for your consideration:

- It is our opinion that the location is not suitable for residential use. One of the key purposes of Zoning is to separate residential areas from uses that could be detrimental to a resident’s quality of life. While none of the used currently surrounding the tract are “heavy industry,” the uses allowed in the I-1 district are nevertheless industrial and have the potential to affect nearby residents adversely. Zoning also allows industrial uses to operate free from concerns about nearby residents complaining about noise, light, dust, and other potentially adverse impacts of their normal and typical activities.
- This tract is one of the few remaining vacant industrial properties in the Township, representing one of our last opportunities to accommodate new industrial uses.
- Residential use of this property is inconsistent with our Comprehensive Plan; any re-zoning would therefore need to be preceded by an amendment to the Plan.
- Re-zoning just this property for residential use would be “spot zoning” - that is, zoning for the sole benefit of one property or owner - and therefore of questionable legality and subject to challenge.
- To avoid spot-zoning, the existing Town Center (TC) zoning district could be extended westward from the Main Street area. However, this would require re-zoning properties not owned by the Applicant and would extend the limits of our “Town Center,” contrary to the desire to *concentrate* higher density development around the Exton Crossroads.

In conclusion, Staff is of the opinion that the existing I-1 zoning designation for this property is appropriate. We do not find the Applicant’s sketch plan to be sufficient justification to re-zone the property to allow any kind of residential use.

The Commission does not typically make any sort of motion concerning sketch plans, as they are informal and not official submissions. However, you may wish to summarize your principal concerns and suggestions in the interest of providing useful feedback to the Applicant.

Attachment

1. Sketch Plan prepared by ESE Planning, dated March 21, 2023.

Plans\RST\Whitford Assoc\PC memo - 230519



MEMORANDUM

DATE: May 19, 2023

TO: Planning Commission

FROM: John Weller
Director of Planning & Zoning / Zoning
Officer

SUBJECT: Proposed Zoning Ordinance amendments,
second discussion

On April 18, 2023 we reviewed a variety of amendments to the Zoning Ordinance proposed by Staff. The Commission indicated that most of what Staff proposed was acceptable, but you directed additional research on the following topics:

- **Data centers** - The only change proposed in April was the addition of a definition for this term in §325-8. The definition was essentially the same as the one proposed by Green Fig as part of their 2022 petition to amend the Zoning Ordinance (which was later withdrawn) to allow data centers in the O/L Office/Laboratory zoning district. During discussion, residents expressed concern about the inclusion of redundant power supply being allowed as part of the use, leading to discussion on where data centers should be permitted and how their impact could be anticipated and mitigated. Residents noted that there are reports about communities being adversely impacted by persistent noise and vibrations from large data centers, and that these effects that are not always addressed by most noise regulations. The Commission directed Staff to research this issue further before proceeding with further consideration of a Zoning amendment for this use.
- **Short-term rentals** - While this is not a major issue for West Whiteland at this time, the Commission agreed that it would be wise to have suitable regulations in place should it become one.
- **Temporary Outdoor Retail Sales** - In revising the regulations for “seasonal merchandise,” the Commission agreed with Staff that references to specific religious holidays should be removed. However, there was concern that the regulations as proposed would not adequately accommodate farmers’ markets. The Commission directed Staff to prepare language to address this concern.
- **LED signs** - The Commission agreed that LED sign panels (defined in the Zoning as “visual communications technology” or “VCT” signs) should be closely controlled as they are now. Staff is recommending that the regulations be revised to allow non-profit entities to have VCT signs for non-commercial messages. The Commission did not object to the concept, but you agreed with resident comments to evaluate what the potential impact could be before making a recommendation.

At the same meeting, Staff stated that they had completed draft amendments to the regulations for solar energy systems, but we did not have time to review them. Staff added that they had also completed revisions to Article XVI, Historic Preservation, but that these would be reviewed by the Historical Commission prior to Planning Commission review. Finally, we

are in the process of developing regulations for electric vehicle infrastructure, but they were not ready for Commission review.

At tonight's meeting Staff would like to review the proposed amendments to §325-44, Solar Energy Systems, which we did not get to in April. As before, existing regulations to be retained are **shown in blue** and proposed changes are in **red**: deletions are ~~struck through~~ and additions are underlined.

Staff will also provide an update on the outstanding issues from April 18.

Attachment:

1. Draft amendment of §325-44, Solar Energy Systems, dated April 14, 2023.

PC MMO's - Miscellaneous\2023\230519 - ZO amds

A. ~~Classification of use.~~ Purpose.

- (1) ~~—A solar energy system shall be deemed to be the principal use of a lot when the peak output of the system as designed exceeds one hundred twenty five (125) percent of the estimated aggregated peak electrical demand of all consumptive equipment on that lot. Where there are multiple solar energy systems on a lot, this calculation shall be based upon the total peak design output of the aggregated systems. Solar energy systems as a principal use are permitted only where allowed by the district regulations.~~
- (2) ~~—All solar energy systems that are not a principal use of a lot as defined above shall be deemed an accessory use.~~

To provide a regulatory framework for the construction of Solar Energy Systems in the Township, subject to reasonable restrictions intended to preserve the public health, safety, and welfare and to be consistent with the character of the Township.

B. Township review and approval.

- (1) ~~The following types of Solar Energy Systems are permitted as an accessory use by right in all zoning districts.~~
- (a) ~~—all roof mounted systems;~~
 - (b) ~~—solar heating and cooling systems;~~
 - (c) ~~—solar hot water systems; and~~
 - (d) ~~—ground mounted photovoltaic systems where the area of the photovoltaic panels is not more than one thousand (1,000) square feet.~~
- (2) ~~The following types of solar energy systems are permitted as an accessory use by conditional use in all zoning districts:~~
- (a) ~~—ground mounted photovoltaic systems where the area of the photovoltaic panels exceeds one thousand (1,000) square feet.~~

A Solar Energy System shall be permitted as the principal use of a property when allowed by the Zoning District wherein the site is located. A Solar Energy System shall be deemed the principal use of a property when the System is intended to produce power principally for sale or when there is no other use of the property.

- (3) ~~The following types of solar energy systems are permitted as a principal use by conditional use in the I-1 and I-2 zoning districts only:~~
- ~~(a) ground-mounted photovoltaic systems of any size;~~
 - ~~(b) concentrated solar power systems; and~~
 - ~~(c) any other type of solar energy system intended to produce power for sale rather than for consumption on the subject property.~~
- (4) The installation of a solar energy system shall be deemed a land development under any one of the following conditions and shall therefore be subject to the review and approval process established by the Township Subdivision and Land Development Ordinance.¹ Land development review and approval shall be in addition to any requirement for conditional use approval.
- (a) where the installation of the solar energy system requires grading of the property, pursuant to the definition of “land development” in §325-8, above, regardless of whether it is the principal use of the property;
 - (b) where the installation of the solar energy system will result in additional impervious cover of two thousand (2,000) square feet or more, pursuant to the definition of “land development” in §325-8, above, and pursuant to the standard enumerated in §324-44-1.E(1), below, regardless of whether it is the principal use of the property. ~~;~~ ~~and~~
 - ~~(c) where the solar energy system will be the principal use of the property.~~

C. General regulations.

- (1) The design, construction, and installation of solar energy systems shall comply with all applicable requirements of the West Whiteland Township Building Code (including the electrical and plumbing codes)² in addition to the requirements of this Section and applicable industry standards. In the event of a conflict among the provisions of this Section, industry standards, and the Building Code, the Building Code shall control.
- (2) Solar energy systems shall comply with the Pennsylvania Uniform Construction Code, Act 45 of 1999, as amended, and all other applica-

¹ Editor’s Note: See Ch. 281, Subdivision and Land Development.

² Editor’s Note: See Ch. 129, Construction Codes, Uniform.

ble statutes or Acts promulgated by the Commonwealth of Pennsylvania.

- (3) A Building Permit shall be required for the installation of all solar energy systems. Where the installation of a solar energy system has been deemed to require review and approval as a conditional use and/or a land development, such approval(s) shall be received prior to the issuance of a Building Permit.
- (4) In addition to other Township requirements, the individual or company responsible for installing the Solar Energy System shall be approved as ~~a solar system~~ an installer of such systems by the Pennsylvania Department of Environmental Protection.
- (5) Solar energy systems shall be sited to assure solar access without reliance upon adjacent properties.
- (6) Solar Energy Systems may be roof-mounted in compliance with §325-44.D, below; ground-mounted in compliance with §325-44.E, below; or incorporated into the structure of a building. ~~No component of a solar energy system shall be mounted upon another structure such that it extends beyond the footprint of that structure.~~
- (7) Solar Energy Systems shall comply with the performance standards in §325-41, above, and shall be sited such that they will not cause any glare beyond the property line of the lot whereupon they are located. In the event that any element of a solar energy system shall be found to cause such impermissible glare, the Township shall have the authority to compel the property owner (and/or the owner of the system if they are not the property owner) to eliminate such glare by a means acceptable to the Township, up to and including the removal of the glare-causing elements.

~~(8) Requirement of glare analysis.~~

~~Under any one of the following conditions, the applicant for a solar energy system that includes photovoltaic panels shall provide with the application a glare analysis prepared and sealed by an engineer licensed in the Commonwealth of Pennsylvania. Such analysis shall document the areas subject to glare from the proposed system. No approval shall be granted nor any building permit issued for a system where such analysis shows that glare will be projected onto any public street or any building on any property other than the one whereupon the system is located.~~

- ~~(a) Where the installation of photovoltaic panels is subject to review as a conditional use or land development as provided for above.~~

~~(b) — Where photovoltaic panels are to be mounted such that the reflective surface directly faces or is angled toward a public street or any building (other than a building on the same lot as the said panels) without any intervening structure or permanent screen.~~

(8) — When a Solar Energy System is proposed for a property subject to additional regulation by an agency other than the Township, including but not limited to a homeowners' association or a business park manager, it shall be the responsibility of the Applicant to determine whether the proposed System complies with the regulations of the said agency and to secure whatever approvals or permits may be required from said agency. The issuance of a Building Permit by the Township for the construction of a Solar Energy System shall not compel any such agency to approve they System, nor shall such issuance prevent such agency from enforcing their own regulations or imposing penalties pursuant to their own regulations.

(9) No Solar Energy System shall be used to display advertising, signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners, or similar materials.

(10) Solar Energy Systems shall be promptly removed and properly disposed of when damaged or no longer in use.

D. Roof-mounted Solar Energy System.

(1) For the purposes of determining compliance with building height limits, a roof-mounted system shall be deemed a type of “mechanical equipment,” as that term is used in the definition of “building height” in §325-8, above.

~~(2) — Roof mounted systems shall be set back a minimum of three (3) feet from the edge of the roof. In addition, when mounted upon a roof with a slope of ten (10) percent or more, the system shall be set back a minimum of three (3) feet from the ridgeline or highest point of the roof.~~

~~(3) — Electrical conduits serving the roof mounted system shall be mounted a minimum of ten (10) inches below the decking of the roof.~~

(4 2) When mounted upon a roof with a slope of thirty (30) percent or more, no part of a roof-mounted system shall extend more than one (1) foot above the highest point of the roof upon which it is mounted.

(5 3) When mounted upon a roof with a slope of less than thirty (30) percent, a roof-mounted system shall be surrounded by a visual screen having a minimum height equal to the tallest point of the system.

~~(6) — No part of any roof mounted system shall extend beyond the edge of the roof upon which it is mounted.~~

E. Ground-mounted solar energy system.

- (1) For the purposes of determining compliance with area and bulk regulations, a ground-mounted system shall be deemed a type of “building,” and shall be subject to the limitations on height and building coverage as well as the setback requirements established for buildings by the applicable district regulations. The impervious cover calculation shall include only the areas that are paved or otherwise sealed against infiltration; where the system consists of panels elevated above the ground such that stormwater may infiltrate below such panels, the panels shall not be deemed to create impervious cover, although they shall be included in the calculation of building coverage.
- (2) When the installation of a ground-mounted system will result in an increase in building coverage (as described in §325-44.E(1), above) of two thousand (2,000) square feet or more, the Applicant for such installation shall provide a stormwater impact analysis describing the impact of the project upon stormwater and providing for appropriate stormwater management facilities as part of the installation. No Building Permit shall be issued until the analysis and recommendations are found satisfactory to the Township, as advised by the Township Engineer.
- (3) When installed as an accessory to a residential use, a ground-mounted system shall not be placed ~~within the front yard~~ between the residence and any street abutting the property.
- (4) All electrical and plumbing lines serving a ground-mounted solar energy system shall be in compliance with the applicable Township codes and shall be within a conduit and buried below ground.
- (5) If a ground-mounted solar energy system has been abandoned (hereby defined as not having been in operation for a continuous period of six [6] consecutive months), is defective, or is deemed unsafe by the Township’s Code Enforcement Officer, the Township may direct the owner to repair the system to meet all applicable safety and code standards or to remove they system within a period of time to be established by the Code Enforcement Officer. If the owner fails to comply with the order of the Code Enforcement Officer, the Township may pursue a legal action to have the system removed at the owner’s expense.