

WEST WHITELAND TOWNSHIP

**PLANNING COMMISSION
MINUTES**

Minutes of the first May meeting

May 2, 2023

Members Present

Ray McKeeman, Chairman
Dan Cote
Jeff Glisson
Mark Gordon
MaryFrances McGarrity

Township Personnel Present

John Weller, Planning Director
Caroline O'Connor, Asst. Township Planner
Pam Gural-Bear, Township Manager

Rajesh Kumbhardare, Board of Supervisors

I. CALL TO ORDER

Chairman Ray McKeeman called the meeting to order at 7:00 p.m.

The Commission observed a moment of silence to honor our veterans and first responders.

II. REVIEW OF MEETING MINUTES

MOTION: To approve the minutes for the meeting of April 18, 2023. (Gordon/McGarrity)

ACTION: Passed, 5-0

III. PUBLIC COMMENT

There was no public comment on items not on the agenda.

John Weller announced that the Sketch Plan for South Whitford Associates has been removed from the agenda at the request of the Applicant.

IV. PLANS

- 1. 105 Whitford Road, LLC**
Address: 309 W. Lincoln Hwy.
First Review: Conditional Use
Description: Proposed satellite facility for Exton Nissan.

Mr. Weller provided an overview of the project, which proposes a merger of two adjacent lots at the southeast corner of Lincoln Hwy. and Whitford Rd. The smaller lot was the site of the Exton Collision auto repair business and is in the Office/Commercial (O/C) zoning district. The larger lot was most recently residential and lies in the Limited/Industrial (I/1) zoning district. Neither use is allowed in the respective zoning districts, so they are legally non-conforming. The Applicant proposes to use the site as a satellite facility for the Exton Nissan auto dealership, although there will be no servicing or repair of vehicles at this location. Conditional Use approval is required to allow the non-conforming uses to be changed to another non-conforming use and to exempt the man-made prohibitive and precautionary slopes from the slope regulations in Article XIV of the Zoning Ordinance.

Mr. Weller said that Staff generally supports the project, but there are unresolved concerns regarding traffic, stormwater management, and access to sanitary sewerage and water supply.

The Applicant was represented by attorney Ryan Jennings of Unruh, Turner, Burke & Frees and project engineer Justin Brewer of D.L. Howell & Associates. Members of the Applicant's team not in attendance included historical consultant Robert Wise and traffic engineer Matthew Hammond of Traffic Planning & Design.

Mr. Jennings noted that the project has been reviewed by the Historical Commission for both a demolition permit and conditional use review. He further described the proposed project, noting that the proposed office use and storage of vehicles are permitted by right. New vehicles will be prepared for delivery at this location (washed, detailed, etc.) but there will be no repair or servicing of vehicles here. The Applicant will renovate the existing Exton Collision building, retaining its current footprint. There will be new signage in compliance with the Zoning Ordinance.

Mr. Jennings stated that an analysis comparing trip generation figures for the prior and proposed uses has been completed, and he provided a copy to Staff. He added that the analysis shows that the trips generated by the proposed use are comparable to the prior uses. The Applicant will perform a limited traffic study as described in the Staff summary memo.

Mr. Brewer described the proposed improvements. Stormwater management will use the managed-release concept instead of more conventional infiltration due to the presence of karst geology; more geotechnical study is needed in order to complete the design.

Commission member Andy Wright was not able to attend, but he submitted his concerns earlier:

- Parking areas for customers, employees, and vehicles for sale should be identified. Mr. Jennings acknowledged that this was a good idea and will add this to the plan.
- The conditions of approval should require delivery trucks to unload on the property (i.e., not from any public road); an autoturn analysis should be provided to demonstrate that this can be achieved. Mr. Jennings said that this was an acceptable condition of approval.
- The lots should be combined. Mr. Jennings noted that this was the Applicant's intent.
- Consider a fee-in-lieu of sidewalks due to constraints in the area.

Mr. Brewer stated that more research is needed to determine the condition of the existing on-site sanitary sewer system and whether it will be necessary to connect to public sewerage.

In response to a question from Mr. Jennings, Mr. Weller advised that the requested traffic analysis address not just trip generation, but also how delivery vehicles - especially car carriers - and emergency vehicles will move through the site. He noted that this may affect the site design by indicating which of the proposed access points could be eliminated or if they are all necessary. He added that SSM's concerns regarding the feasibility of the stormwater management strategy should be addressed to their satisfaction.

Mark Gordon said it was good to see a local business growing and improving the appearance of the intersection. He also urged the Applicant to complete and submit a traffic analysis.

2. **Keva Flats, LP**
Address: 350 Waterloo Blvd.
First Review: Land Development
Description: Construction of two new multi-family apartment buildings containing a total of 96 units with a floodplain restoration project for stormwater management.

Mr. Weller described the existing site and the proposed development, which includes restoration of the floodplain associated with Lionville Run. The restoration will not only enhance the functionality

of the stream and reduce sedimentation, but will also be a component of the stormwater management system allowing removal of two existing stormwater basins.

The plan complies with the regulations of the Town Center zoning district, and while consultant concerns are generally minor, Mr. Weller encouraged the Commission to discuss the concerns on page 4 of his memo dated April 28, 2023. These included pedestrian circulation, the design of the parking lot behind Building 6, the need for an emergency access to Waterloo Blvd., and mitigation of the visual impact of the new buildings upon existing residents and nearby historic resources. Mr. Fisher said the Applicant would respond to these issues to the Township's satisfaction but suggested that a sidewalk along the east side of Building 6 was not necessary; the Commission agreed.

Regarding the dead-end in the parking lot south of Building 6, Mr. Fisher said they will remove some spaces to provide a turnaround; they will also add a fire lane from the parking lot to Waterloo Blvd., so the turnaround won't need to accommodate fire trucks. The parking lot islands will be adjusted to comply with the Ordinance requirement, and landscaping will be added to mitigate the impact on the historical resources.

Mr. Weller advised that the consultants support the requested waivers including the waiver from the compensatory planting requirement due to the benefits of the stream restoration. The Commission agreed to waive the aesthetic standard for the street crossings to allow the new crossings to match the existing crossings.

Mr. Weller noted that some of the consultant comments required clarification:

- Comment #3 of the McMahon review - The requirement for intersecting streets to be directly opposite each other or offset at least 200 feet applies only to streets, not driveways, which is the case here. McMahon does not object to the design, but no waiver is needed to allow it.
- Comment #13 of the Spotts, Stevens and McCoy ("SSM") review - No loading dock is proposed or needed; this is a moot issue.
- The plan includes the fire hydrant specified by the Fire Marshal, although it is difficult to see on the plan since it is shown in grey.
- Comment #34 of the SSM review - Curbs are required only for new streets, not on existing streets where none are currently found; no waiver is needed.
- Comment #63 of the SSM review - The Township establishes street addresses, not the Applicant.

Mr. Weller explained that for the Township to receive credit from the state Department of Environmental Protection for mitigating stream sedimentation, we must contribute to the stream restoration project. During the conditional use review, we agreed to contribute a sum equal to the open space and traffic impact fees required for the project. Mr. Fisher said the most recent calculations show that the restoration will reduce sedimentation by 50,000 annually. There followed discussion about how the sediment would be removed and measured.

Mr. Fisher confirmed that the existing pedestrian bridge over the stream will remain.

MOTION: To recommend that the Board of Supervisors approve the land development plan entitled "Preliminary/Final Land Development Plan for Keva Flats" as depicted on the 41-sheet plan set prepared by RGS Associates, Inc. dated April 4, 2023 (the "Plan") with the following waivers and subject to the following conditions:

1. The Plan is approved as a Final Plan pursuant to §281-10.D of the West Whiteland Township Subdivision and Land Development Ordinance ("S/LDO").

2. Waiver of §270-15.T of the Stormwater Management Ordinance to accommodate the floodplain restoration project, pursuant to comment #8 of the SSM review dated April 25, 2023, and condition #7 of the conditional use Decision and Order (“D&O”).
3. Waiver of §281-16.D(10)(d) of the S/LDO such that clear-sight triangles need not be shown at each street and driveway intersection, as the Applicant has demonstrated that the safe sight stopping distance has been provided, pursuant to comment #5 of the McMahon review dated April 23, 2023.
4. Waiver of §281-16.D(10)(f) of the S/LDO such that street profiles need not be provided as long as utility crossings of streets are shown on the utility profiles, pursuant to comment #2 of the SSM review dated April 25, 2023.
5. Waiver of §281-34.G of the S/LDO such that compensatory plantings of trees are not required within the floodplain restoration area, pursuant to comment #1 of the Theurkauf Design and Planning (“Theurkauf”) review dated April 14, 2023.
6. Waiver of §281-69.A of the S/LDO to allow crosswalks to be delineated by white paint, consistent with the existing crosswalks on the property, pursuant to comment #5 of the SSM review dated April 25, 2023.
7. Waiver of §281-69.C(3) of the S/LDO to allow the sidewalks as shown on the Plan, pursuant to comment #6 of the SSM review dated April 25, 2023.
8. Waiver of §281-69.C(4) of the S/LDO to allow less than 20% of the sidewalks to have a decorative surface, pursuant to comment #7 of the SSM review dated April 25, 2023.
9. The architecture of the proposed buildings shall be substantially similar to the renderings presented to the Planning Commission at the meeting of July 9, 2022, pursuant to condition #3 of the D&O.
10. The Applicant shall provide documentation to Township staff sufficient to support a determination of the extent to which the Plan satisfies the open space requirement of §281-47 of the S/LDO, pursuant to condition #5 of the D&O.
11. Pursuant to condition #6 of the D&O, the Township shall make a contribution to the floodplain restoration project equivalent to the sum of the open space fee required by §281-47.B(2) of the S/LDO and the traffic impact fee as required by Township Ordinances Nos. 427 and 461.
12. The Applicant shall revise the Plan to provide adequate maneuvering space in the parking lot south of Building 6, pursuant to comment #38 of the SSM review dated April 25, 2023.
13. The Applicant shall revise the Plan to satisfy the parking lot landscaping concern described in comment #6 of the Theurkauf review dated April 14, 2023.
14. The Applicant shall revise the plan to provide an emergency access drive to Waterloo Blvd. along the east side of Building 6, pursuant to comment #4 of the McMahon review dated April 23, 2023.
15. The Applicant shall revise the landscaping plan to provide additional buffering to mitigate the visual impact of the new buildings upon historic resources and existing residents, pursuant to the recommendations of the Commonwealth Heritage Group review dated April 25, 2023 and comment #7 of the Theurkauf review dated April 14, 2023, respectively.
16. The lighting plan shall be revised to meet Township standards, pursuant to comments #56 through #59 of the SSM review dated April 25, 2023.
17. All remaining consultant and Staff concerns shall be resolved to the satisfaction of the Township.

18. Execution and recording of the Township's Stormwater Facilities Maintenance Agreement and Landscaping Restrictive Covenant, pursuant to Township practice. If the Applicant makes no material revisions or additions to the standard form of the said documents, then the Board should authorize the Township Manager to sign these forms on behalf of the Township.
19. Execution of a Developer Agreement and a Financial Security Agreement pursuant to Township practice. The amount of such security shall be based upon construction cost estimates for the site improvements, including landscaping, to be provided by the Applicant, which shall be reviewed and deemed sufficient by SSM and Theurkauf. If the Applicant makes no material revisions or additions to the standard form of the said agreements, then the Board should authorize the Township Manager to sign these forms on behalf of the Township.
20. Payment of all outstanding Township invoices within 45 days of the date of final plan approval.

(McGarrity/Cote)

ACTION: Passed, 5-0

V. ANNOUNCEMENTS:

Mr. Weller noted that the Commission's next meeting is scheduled for May 16, which is the day of the primary election day, and no meeting rooms will be available. The Commission agreed to reschedule the meeting for May 23; staff will take care of advertising the change.

Mr. Kumbhardare reported that Mr. Weller and Justin Smiley gave their presentation on Suburban Centers at the PSATS Conference in Hershey, and the general consensus among attendees was that it was the best presentation of the Conference!

ADJOURNMENT

The meeting adjourned at approximately 8:28 p.m.

Recording Secretary,



John R. Weller, AICP
Director of Planning