

**WEST WHITELAND TOWNSHIP
PLANNING COMMISSION
MINUTES**

Minutes of the April meeting

April 14, 2020

Members Virtually Present

Anita Nardone, Chairman
Joe Altimari
Dan Cote
Jeff Glisson
Mark Gordon
MaryFrances McGarrity
Ray McKeeman

Township Personnel Virtually Present

Mimi Gleason, Township Manager
Pam Gural-Bear, Asst. Township Manager
Rajesh Kumbhardare, Board of Supervisors Liaison
Ted Otteni, Public Works Director
Justin Smiley, Township Planner
John Weller, Director of Planning

I. CALL TO ORDER

Chairman Anita Nardone called the meeting to order at 7:00 p.m. Due to the Governor's order in response to the coronavirus pandemic, the meeting was held online via Zoom. Ms. Nardone explained the "raise hand" feature of Zoom and asked that any public wishing to make comments use this feature.

II. REVIEW OF MEETING MINUTES

Ms. Nardone made a correction to the minutes.

MOTION: To approve the minutes for the meeting of March 31, 2020, as corrected.
(McKeeman/Glisson)

ACTION: A roll call vote was taken, and the motion passed 7-0.

III. PUBLIC COMMENT

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

IV. OLD BUSINESS

1. Town Center District Proposed Zoning Amendment

John Weller reviewed his April 10, 2020 memorandum regarding the proposed amendment. He advised that the Board of Supervisors authorized advertisement of the proposed amendment at their March 11, 2020 meeting. The amendment allows conference facilities as an accessory use to hotels, revises and clarifies setback requirements, and establishes a Master Plan requirement for tracts of ten acres or more. The amendment also includes "massing" as a new defined term.

Mr. Weller then reviewed a red-line version of the proposed amendment that had been provided with the meeting packet and posted on the Township website. He explained that the Master Plan will have the same status as a Conditional Use approval, and once approved will remain in place for five years. He noted that the five-year horizon was based upon the sanitary sewage planning horizon directed by Act 537 and was also intended to discourage piecemeal development of larger tracts. The amendments to the setback requirements increase the setback for taller structures in order to prevent buildings from creating a "concrete canyon."

The Board of Supervisors has scheduled a public hearing to consider adoption of the amendment for April 22, 2020. Mr. Weller explained that §609(c) of the Pennsylvania Municipalities Code requires the Board to allow the Commission an opportunity to comment on the amendment. He added that the proposed revisions were prepared in consultation with Theurkauf Design and Planning and the Township Solicitor, who has reviewed them and found them satisfactory. No motion by the Commission is required, but one is allowed if desired by the members.

Ms. Nardone asked the members for their comments and questions.

- Mr. McKeeman - Felt the amendment was very clear and workable.
- Mr. Glisson - Asked what was included in the definition of "building height" and whether the pole-mounted lights for the parking on top of the Hanover building count toward the height calculation. Mr. Weller replied that the definition of "building height" found in Article II of the Zoning Ordinance excludes non-structural features like light standards, church steeples, and roof-mounted mechanical equipment.
- Mr. Altimari - Asked if cellular towers were controlled by the height limit. Mr. Weller said no, cellular towers are regulated separately in Article XXII of the Zoning Ordinance. Mr. Altimari next asked if uses like petting zoos and motorcycle racetracks would be allowed in the district. Mr. Weller explained that only the uses listed in the "use regulations" section of the Article are permitted: if a use is not listed, it is not allowed.
- Ms. McGarrity - Asked for clarification of life care and personal care facilities included in both residential and non-residential categories. Mr. Weller confirmed that both uses are permitted, but there is a distinction between temporary care facilities and long-term residential facilities.
- Mr. Gordon - Asked if the Chester County Planning Commission review letter had been received. Mr. Smiley said it was expected the next day, and that he will e-mail it to the Commission members when received. Mr. Gordon asked if ideas from the Commission's "brainstorming" meetings were incorporated into the proposed amendment. Mr. Weller said that those meetings were an on-going conversation and that the proposed amendment is not intended to implement ideas from those discussions.
- Mr. Cote - Asked about lots smaller or larger than ten acres. Mr. Weller said the ten-acre threshold for the Master Plan requirement was based upon the characteristics of the Town Center district. Since development on smaller tracts has less of an impact on the Township, no Master Plan is required.
- Ms. Nardone - Commended the revised setbacks and the Master Plan requirement, feeling that it emphasizes that this district is important and needs to be well thought out. She further questioned if the definition of "massing" was sufficient. Mr. Weller said the term is generally understood by the planning and architectural professions.

Noting that event space is an allowable use, Mr. Kumbhardare encouraged the members to consider leaving an option open to review the possible use of casinos, noting that they can provide an economic benefit.

Attorney Marc Kaplin, representing Exton Square shopping center, asked about the Master Plan requirement: if there were market changes after a Master Plan was approved but before the expiration of the 5-year time limit, what options would there be for amending the Master Plan. Mr. Weller said an owner could seek relief from the time limitation by applying to the Zoning Hearing Board for a variance or by petitioning the Board of Supervisors to amend the ordinance. Mr. Kaplin questioned the basis for the 5-year period. Mr. Weller noted that the Municipalities Planning Code specifies a variety of time periods applicable to the development process, adding that 5 years was specified here as that is the planning horizon for sanitary sewage facilities established by Act 537. Mr. Kaplin asked if the Township Solicitor had reviewed this aspect of the amendment. Mr. Weller responded that he had and

that Bill Christman from the Solicitor's office was present to address legal questions; Mr. Kaplin declined to question Mr. Christman.

MOTION: To support the proposed Zoning Ordinance amendment as drafted and presented in the memorandum of John Weller dated April 10, 2020 and to recommend adoption of same by the Board of Supervisors at the conclusion of the public hearing and with any edits directed by the Chester County Planning Commission. (McKeeman/Glisson)

ACTION: A roll call vote was taken, and the motion passed 7-0.

V. PLANS:

1. 475 Creamery Way

Address: 475 Creamery Way

First Review: Land Development

Request: Construction of a 113,653 square foot addition to the former Sabic Building in the Oaklands Corporate Center

In virtual attendance on behalf of the Applicant were attorney Joseph Brion; Matt Adams of E. Kahn Development; Dave Gibbons, project engineer with D. L. Howell; Jeff Churchvara of Veltek Associates, Inc.; and attorney Karen Corliss for Veltek.

Mr. Weller provided an overview of plan to construct an addition on the western side of the existing building at 475 Creamery Way in the Oaklands Corporate Center. He noted that the Board of Supervisors approved the conditional use application for the project on April 8, 2020. The present plan is identical to the conditional use plan and complies with the Zoning Ordinance. Section 325-42 of the Zoning Ordinance lists six different types of impact study that may be required as part of the land development submission: traffic impact study, utilities impact study, historic resources, recreation, fiscal impact analysis, and environmental impact study. Mr. Weller noted that the Ordinance itself exempted this project from the historic resources and fiscal impact analyses and advised that of the remaining four only the traffic impact study would be useful. Mr. Weller also stated that condition #6 of the conditional use Decision and Order requires the Applicant to repair the existing asphalt path around the tract perimeter but the specific repair locations have not yet been identified. He suggested that the Commission provide the Applicant with guidance on these matters specifically.

Mr. Brion said the Applicant agreed to provide a traffic impact study and will resurface the entire existing perimeter trail. He did not feel that ADA-compliant driveway crossings were warranted as the existing path is not a sidewalk. Ms. Nardone asked Mr. Weller if the path meets Ordinance requirements. Mr. Weller responded that the Subdivision and Land Development Ordinance states that sidewalks are required but does not specify to what extent; it does state that sidewalks are to be concrete and at least five feet wide. If the Commission determines that resurfacing the existing path with asphalt is sufficient, it will be necessary to grant a waiver from the provision requiring that sidewalks be concrete. There followed extensive discussion on the locations of existing sidewalks in the area, future needs, and the need for crosswalks to connect the residents of the J Creekside apartment complex to the corporate center and the Chester Valley Trail.

Mr. Weller advised that the Township's Bicycle and Pedestrian Plan shows the existing asphalt path around the tract and calls for a multi-modal path for a portion of the perimeter. If the Applicant widens the path to accommodate multi-modal use, it would be appropriate to grant the Applicant a credit toward their open space fee. There was discussion about whether this location was likely to receive much bicycle traffic.

Mr. Altimari asked if any hazardous materials from previous users were still on the site. Mr. Churchvara confirmed that there were not and stated that all previous tenants' equipment has been removed.

Mr. Otteni noted that the Chester Valley Trail is being extended to the vicinity of this site and the developer of the nearby J Creekside community is providing ADA-compliant sidewalk ramps and crosswalks. As such, he recommended that the Applicant also provide ADA-compliant ramps on the western side of their property. Mr. Brion responded that the existing path was a non-conforming existing condition, so the Applicant should not be required to construct such ramps. Mr. Gordon replied that the Commission was only discussing what could be done to enhance the site. Mr. Otteni felt the Applicant has an obligation with the redevelopment of the site to bring the path into compliance. Mr. Adams pointed out that the addition only affects half of the subject tract. Discussion turned to what other Applicants have been required to do. Mr. Weller pointed out that J Creekside and Collegium Charter School were both required to install ADA-compliant sidewalks and crosswalks.

Ms. Nardone polled the Commission members for their comments:

- Mr. Glisson - Felt that the Applicant's offer to resurface the entire existing perimeter path was very generous and that it would be difficult for an asphalt path to meet ADA requirements at the driveway and road crossings; he supported requiring a traffic impact study.
- Mr. McKeeman - Agreed with Mr. Glisson.
- Ms. McGarrity - Felt the Applicant was trying to do the right thing but agreed with Mr. Otteni in that the industrial park is becoming a mixed-use area that will need pedestrian circulation. Favored the Applicant providing ADA-compliant ramps and receiving an open space credit for same. She also agreed that the traffic impact study should be required.
- Mr. Cote - Wants the traffic impact study and defers to other members and Staff on what upgrades should be made to the pedestrian path.
- Mr. Altimari - Felt the proposed plan was a good use of the property and had no issues with the plan.
- Mr. Kumbhardare - Does not wish to burden the Applicant with constructing 12 ADA-compliant ramps but perhaps a lesser number as a middle ground would be appropriate; favors a credit to the open space fee for same.
- Ms. Nardone - Agreed with Mr. Otteni that now is the time to upgrade the ramps especially in light of the tract's proximity to the Chester Valley Trail and the Whitford train station; favors a credit against the open space fee.
- Mr. Gordon - Felt that a 12-foot-wide multi-modal path was excessive but agreed that some upgrades should be done.

Mr. Otteni noted that at most 10 ramps will be needed, not 12, since J Creekside is constructing 2 of them. The need for ADA ramps at the driveways was discussed as well as the possibility of either widening or reconfiguring the path where it was immediately adjacent to a road. It was noted that any such widening or relocation along Campbell Blvd. would require removal of 4 or 5 healthy, mature trees; the Commission wish to preserve those trees. The Commission confirmed that the existing path is 5 feet wide. After further discussion, it was concluded that the Applicant will refurbish the full perimeter path to its current width and alignment and will construct 2 ADA-compliant curb ramps on the western edge of the property, one at each crossing of Thomas Jones Way. There will be no credit toward the open space fee for this work. Mr. Adams agreed.

There was no public comment.

MOTION: To recommend that the Board of Supervisors approve the land development plan entitled "475 Creamery Way" for the construction of an addition to an existing building at that address in the Oaklands Corporate Center as depicted on the 28-sheet plan set prepared by D.L. Howell

& Associates, Inc. dated February 28, 2020 (no revisions), with the following waivers and subject to the following conditions:

1. The plan is approved as a final plan pursuant to §281-10.H of the West Whiteland Township Subdivision and Land Development Ordinance (“S/LDO”).
2. Waiver of §270-20 of the Stormwater Management Ordinance such that infiltration of stormwater need not be provided, pursuant to comment #1 of the Spotts, Stevens and McCoy (“SSM”) review dated March 25, 2020.
3. Waiver of §281-31.B of the S/LDO to allow sidewalks constructed as an asphalt path as provided for in condition #6, below.
4. Partial waiver of §281-37.B(4) of the S/LDO to allow the parking lot island landscaping as shown on the plan, pursuant to comment #6 of the Theurkauf Design and Planning (“Theurkauf”) review dated March 23, 2020.
5. The screen buffer plantings as shown on the plan are satisfactory, but in the event that the portion of the property on the east side of the main access drive is developed, whether for additional parking as shown on the conditional use plan or for an additional building, a screen buffer meeting the standards of §281-35.D of the S/LDO shall be provided on that portion of the lot, pursuant to comment #2 of the Theurkauf review dated March 23, 2020.
6. The developer shall resurface the entire existing pedestrian path along the Campbell Blvd. frontage and both Creamery Way frontages with a 1½-inch thick asphalt wearing course, maintaining the existing alignment and width except as may be modified with the approval of the Township. Crossing structures compliant with the Americans with Disabilities Act shall be provided where the path terminates at the intersections with Thomas Jones Way, being the northwest and southwest corners of the property. Where the path crosses the access drives, the path surface shall provide a smooth transition to facilitate use by handicapped individuals, including those in wheelchairs. Satisfaction of this condition shall be deemed sufficient to comply with §281-31 of the S/LDO.
7. The Applicant shall provide a Traffic Impact Study pursuant to §325-42.C(1) of the West Whiteland Township Zoning Ordinance (“Zoning”), the contents of which may be modified with the agreement of the Township as advised by the Township’s traffic engineer, Traffic Planning and Design (“TPD”). Any concerns raised by the findings of the said study shall be resolved by the Applicant to the satisfaction of the Township.
8. Pursuant to the right of the Township to modify the supporting data required for land development plans as established by §281-18 of the S/LDO, the Township hereby determines that the Applicant need not provide a Utility Impact Study, a Historic Resource Impact Study, a Recreation Study, a Fiscal Impact Analysis, nor an Environmental Impact Study as might otherwise be required by §325-42 of the Zoning.
9. As per condition #4 of the Decision and Order concerning this project approved by the Board of Supervisors on April 8, 2020 (“D&O”), the Applicant shall pay a traffic impact fee pursuant to Township Ordinance No. 427 in an amount as advised by TPD. Such fee shall be paid in full at or prior to the time that application is made for the first building permit required for the improvements shown on the plan.
10. As per condition #5 of the D&O, the Applicant shall pay a fee in lieu of setting aside permanent open space pursuant to §281-47.C of the S/LDO. Such fee shall be paid in full at or prior to the time that application is made for the first building permit required for the improvements shown on the plan.
11. All other conditions established by the D&O shall be met to the satisfaction of the Township.
12. Resolution of all remaining consultant concerns to the satisfaction of the Township.

13. 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.
14. 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.
15. Payment of all outstanding Township invoices within thirty days of the date of final plan approval or at time of application for a building permit, whichever comes first.

(McKeeman/Glissou)

ACTION: Passed, 7-0

VI. ANNOUNCEMENTS:

Mr. Smiley informed the Commission that Staff had a virtual meeting with the Urban Land Institute to discuss a charrette for the Exton Crossroads area. The project could be designed as a land use plan, a mobility study, or any other aspect the Township may identify. ULI would assemble a panel of experts to work on the plan over a 3-month period and provide the Township with a formal report with recommendations at a cost of approximately \$15,000. Staff will develop a scope for the project for review and comment by the Commission and will proceed with the application process.

The agenda for the next Planning Commission meeting on May 5 includes reviews of the subdivision plan for the Fedor property on Ship Rd. and the conditional use application of Raj Real Estate for a storage facility on Tabas La.

VII. ADJOURNMENT

The meeting adjourned at approximately 9:45 p.m.

Recording Secretary,


John Weller, AICP
Director of Planning & Zoning