

**WEST WHITELAND TOWNSHIP
PLANNING COMMISSION
MINUTES**

Minutes of the first June meeting

June 4, 2019

Members Present

Anita Nardone, Chairman
Joe Altimari
Jeff Glisson
Mark Gordon
Rajesh Kumbhardare
Glen Marshall
Ray McKeeman

Township Personnel Present
John Weller, Planning Director
Justin Smiley, Township Planner
Mimi Gleason, Township Manager
Ted Otteni, Public Works Director

I. CALL TO ORDER

Anita Nardone called the meeting to order at 7:00 p.m.

II. REVIEW OF MEETING MINUTES

MOTION: To approve the minutes for the meeting of May 23, 2019. (Altimari/McKeeman)

ACTION: 6-0-1 (with Mr. Kumbhardare abstaining)

III. PUBLIC COMMENT

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

IV. PLANS

1. King Industrial
Address: 1420 Phoenixville Pk.
First Review: Land development
Request: Construction of a 36,000 sq. ft. flex building and parking

John Weller reviewed his memorandum dated May 31, 2019. The plan proposes the construction of a 36,000 sq. ft. flex building on an 11.5 acre site along Phoenixville Pk. north of the King Rd. intersection. There are currently two buildings on the site that will remain; the new building will be toward the rear of the site. The project complies with the area and bulk regulations of the I-1 zoning district.

The Board of Supervisors granted conditional use approval for the project on August 8, 2018. Tonight is the first presentation of the land development plan to the Planning Commission.

Andrew Eberwein of Edward B. Walsh & Associates was in attendance on behalf of the Applicant. Mr. Eberwein reviewed the stormwater plan and agreed to rotate the infiltration basin as recommended by SSM to increase the distance to the limiting factor. Because the basin is underground, this change will not necessitate any other changes to the plan. Ms. Nardone asked for two additional test pits prior to construction to confirm the depth to the limiting zones; Mr. Eberwein agreed.

A truck turning template was prepared to show how larger tractor trailer trucks (WB-62) can maneuver through the site. This will be sent to Traffic Planning & Design for review and added to the plan set.

Referencing comment #5 of the Chester County Planning Commission review dated February 27, 2019, recommending an 80-foot right-of-way for Phoenixville Pk., Mr. Weller noted that all of the proposed improvements are set back much farther than this.

Mr. Gordon suggested demarcating the storage area. Mr. Eberwein agreed, noting that he would revise the marked area to better accommodate trucks using the nearby loading dock.

The existing on-site sewer system will be abandoned; the necessary easements have been obtained to allow connection to the public sewer. The building is designed such that it may be used by a single occupant or up to eight tenants.

Mr. Eberwein said the Applicant would comply with all items in Mr. Weller's May 31, 2019 memo.

Ms. Nardone called for public comment on the project and there were none.

MOTION: To recommend that the Board of Supervisors approve the land development plan for King Industrial, LLC for the construction of a building at 1420 Phoenixville Pk. as depicted on the 17-sheet plan set prepared by Edward B. Walsh & Associates, Inc., dated October 19, 2018 and most recently revised on April 29, 2019 with the following waivers and subject to the following 16 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 §281-31.A of the S/LDO such that sidewalks need not be provided along the Phoenixville Pk. frontage, provided that the Applicant makes a donation to the Township Sidewalk Fund equivalent to the construction cost of the sidewalk that could be required, pursuant to condition #1 of the conditional use Decision and Order dated August 8, 2018 ("D&O"). Such fee shall be paid at or prior to the time that application is made for the first building permit required for the improvements depicted on the plan.
3. Waiver of §281-35.F(4) of the S/LDO such that the stormwater management basin shall be deemed a naturalistic basin despite having side slopes in excess of 4:1, pursuant to condition #1 of the D&O and comment #2 of the Theurkauf Design & Planning ("Theurkauf") review dated May 6, 2019.
4. Waiver of §281-37.B(4) of the S/LDO to allow parking lot islands less than nine (9) feet wide to the extent shown on the plan, pursuant to condition #1 of the D&O.
5. Waiver of §281-37.D of the S/LDO such that no building landscaping is required along the western façade of the proposed building, pursuant to condition #1 of the D&O.
6. As per condition #3 of the D&O, at no time will the number of off-street parking spaces be less than required by the Township Zoning Ordinance ("Zoning"). If at any time the owner of the property secures an occupant, and the parking requirement for that new occupant in combination with the other occupants of the property exceeds the requirement established by the Zoning, the owner of the property shall either provide additional off-street parking spaces to meet the requirement or the Township will deny the Use and Occupancy Permit for that occupant.
7. As per condition #5 of the D&O, the Applicant shall pay a traffic impact fee of \$31,710.90, pursuant to Township Ordinance No. 427 and the Traffic Planning and Design review dated February 15, 2019. Payment in full shall be made at or prior to the time that application is made for the first building permit required for the improvements depicted on the plan.

8. As per condition #6 of the D&O, the Applicant shall pay a fee in lieu of preservation of permanent open space, pursuant to §281-47.C of the S/LDO. Payment in full shall be made at or prior to the time that application is made for the first building permit required for the improvements depicted on the plan.
9. As per condition #7 of the D&O, the Applicant shall provide a copy of the existing Highway Occupancy Permit(s) for the driveways serving the property. Should no such permit exist, or if the classification of the driveways should change due to the proposed development, a Highway Occupancy Permit shall be obtained from the Pennsylvania Department of Transportation.
10. As per condition #9 of the D&O, the Applicant shall execute and provide to the Township a recordable, notarized copy of a memorandum containing a metes and bounds description of the property and stipulating the terms and conditions of the D&O and shall consent to its being recorded by the Township in the office of the Recorder of Deeds of Chester County at the time of recordation of the plan.
11. All remaining consultant and Township Staff concerns shall be addressed to the satisfaction of the Township.
12. Pursuant to comment #11 of the SSM review, the infiltration basin shall be rotated to increase the distance to the limiting factor; two (2) additional test pits shall be dug to confirm that the basin will function as designed.
13. The limits of the southern outdoor storage area shall be adjusted to accommodate truck turning movements at the loading area; the revised turning movement plan shall be included in the plan set.
14. 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.
15. 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 Spotts, Stevens and McCoy and Theurkauf Design and Planning. 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.
16. 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.

ACTION: Passed, 7-0 (Kumbhardare/Glisson)

2. Weston Tract
Address: 1400 Weston Way
Second Review: Sketch Plan
Request: Construction of 123 single-family homes

Tom Smith and John Fisher, Sr. of K. Hovnanian and John Jaros, attorney with Riley, Riper and Colagreco were in attendance to discuss the project.

Mr. Weller reviewed his memorandum dated May 31, 2019. The property is a 54-acre tract in the Office/Laboratory zoning district and is currently developed as an office campus for Weston Solutions. The site includes three historic structures: the Morstein Manor House, Morstein Station, and the Morstein Gatehouse. Residential development abuts the site to the south and east; King Rd. is to the north, and the US Route 202 expressway lies to the west. The project proposes removing the modern office buildings and preserving the historic structures.

The Planning Commission previously reviewed a different sketch plan for this site on March 5, 2019. The most significant concerns expressed at that time were overall density, traffic, and accommodation of the pipelines running across the tract. The current plan shows 123 single-family homes on lots of approximately 7,000 sq. ft. Like the prior plan, this plan is not allowed by the current zoning.

Mr. Smith reviewed the changes made since the March 5 meeting. In response to the comments about density, the Applicant revised the plan based upon the R-2 district regulations, thinking that density would be acceptable. The total number of dwelling units has been reduced from 152 to 123. Morstein Station and Morstein Manor House would both be subdivided and sold to others for re-use. The Morstein Gatehouse would be re-used as a club house and recreation area for the development.

Commission members expressed concern about the pipeline easements. Mr. Smith said the public offering statement given to each prospective buyer would disclose the existence and use of the pipelines. He added that the Applicant respects the need to provide a safe distance from the pipelines and will consider that further if the zoning amendment needed to allow the project is amenable to the Township.

Mr. Weller reviewed the number of dwellings allowed by various zoning districts, noting that the Applicant had based their density upon the carriage home cluster option in the R-2, not the single-family option. He advised that this plan would not comply with the current R-2 regulations.

Ms. Nardone said she would need to see more benefit to the Township before considering a zoning amendment. Referring to the recent zoning amendment for the area around the intersection of Ship Rd. and Lincoln Hwy., Mr. Weller noted that the zoning there allowed townhomes, and the requested amendment was to allow a lower density. In this case, the Applicant is requesting higher density. In addition, Township policy has been to allow while higher density development along the US Route 30 and PA Route 100 corridors, not in the part of the Township where this site is located.

Mr. Jaros responded that the Applicant felt the Township would accept residential use on the site based upon the mapping in the Land Use Assumptions Report of the Act 209 Plan. He thanked the Commission for their comments and said that they will return to the drawing board.

Ms. Nardone asked for public comment.

John McCawley of 1396 King Rd. asked how the Applicant would connect to public sewer with no lines along King Rd. Ted Otteni responded, indicating two locations where the Applicant could construct links that would tie into the existing system. Mr. McCawley also expressed concern regarding future upgrades and repurposing of the Texas Eastern pipeline.

Steve Cousart of 1400 Whiteman Way asked if the proposed road would tie into Whiteman Way. Mr. Smith answered that any connection would be for emergency access only, not regular use. Mr. Cousart also expressed concern about the proposed density relative to the lower density of the adjacent neighborhood.

Stacy Young, not a resident but a long-time Weston employee, pointed out that the railroad right-of-way was shown too close to King Rd. She expressed concern about stormwater drainage and the noise from the US Route 202 expressway, suggesting that a sound barrier be built.

Brian Sweeney of 1304 N. Tulip Dr. expressed concern about the proposed density of the plan. He felt the density was driven by the purchase price of the property rather than a desire to fill a housing need within the Township.

Township Manager Mimi Gleason advised the Applicant to reduce the density stating that the Board of Supervisors was not likely to be amenable to a zoning amendment that would increase density at this location, echoing Mr. Weller's observation that the property is not along Pottstown Pk. or Lincoln Hwy. where Township policy accommodates higher densities.

3. Frame Property (Exton Knoll)
Address: 891-921 E. Lincoln Hwy.
Second Review: Sketch Plan
Request: Construction of 377 units (107 carriage homes & 270 apartments)

Tom Bentley and Scott Emerson, both of Bentley Homes, were in attendance.

Mr. Weller reviewed his memorandum dated May 31, 2019. The Commission reviewed a different sketch plan on November 20, 2018, that proposed 154 townhomes on 43 acres. The Applicant has since been working with the owner of the adjoining property to the west, so this revised plan covers 55.5 acres and proposes 107 townhomes and 270 apartments - a total of 377 dwellings. Features of the previous plan that the Commission liked that are not found in this plan include wider landscaped green spaces separating the rear sides of the buildings and the boulevard-type main road through the center of the community.

The western part of the tract is the former Mid-County Mustang property, an EPA Superfund site now being remediated.

Mr. Bentley explained that after much discussion with the EPA, it became clear that rental apartments would be the best type of residential development for the portion of the tract affected by the Superfund designation. He said that the plan gave the impression of higher density because all of the proposed dwellings would be no higher than two stories, adding that the current zoning would allow as many as 600 apartment units but that would require buildings taller than he cares to build.

Mr. Emerson gave an update on the remediation process. Contamination is limited to the groundwater, and EPA has been involved on the tract since the 1990's. EPA estimates that it will be another 15 years before the water reaches that of drinking water standards. Mr. Emerson added that while EPA will allow building on the site with suitable protection in place, the public perception of contamination would make it difficult to sell residential units here.

Ms. Bentley then showed possible elevation drawings of some of the units. Commission members generally liked the residential feel created by the lower units in contrast to the feel of the four-story apartment buildings. They also stated that they would prefer that the design include all of the required open space rather than allow the developer to pay a fee in lieu of providing the space.

Mr. Bentley will continue revising the plan and return to the Commission.

V. NEW BUSINESS

Mr. Weller said he and Ms. Gleason will be meeting with Mr. Gorman and representatives from PREIT to discuss the Mall and the Township's vision for the Town Center District. A few members of the Planning Commission may attend so long as there is not a quorum.

VI. ANNOUNCEMENTS

The Chester County Economic Development Committee will be meeting with Staff at the end of June.

There are no land development plans for the next Planning Commission agenda. This will provide time for the Commission to resume discussions on open space requirements, the Town Center district, and the Official Map.

VII. ADJOURNMENT

The meeting adjourned at approximately 9:50 p.m.

Recording Secretary,



John R. Weller, AICP
Director of Planning & Zoning