

East Whiteland Township

Planning Commission
Wednesday – June 26, 2019

Minutes

Members Present:

Deb Abel, Chair; Jeff Broadbelt, Vice Chair; Peter Fixler; Tim Kelly; John Laumer; and Todd Asousa.

Members Absent:

Dante Bradley

Staff & Consultants Present:

Zachary Barner, Director Planning & Development; Brittany Bulger, Planning Coordinator; John Walko, Township Solicitor; and Darrell Becker, Township Engineer.

Call to Order:

Ms. Abel called the meeting to order at 7:02 p.m. and led the Pledge of Allegiance.

Minutes:

Ms. Abel asked the Commission for any comments and clarifications regarding the May 22, 2019 meeting minutes.

Action: Mr. Broadbelt made a motion, seconded by Mr. Fixler, to approve the minutes as drafted.

The motion carried unanimously **(5-0)**.

Note: Mr. Kelly was not present for approval of the minutes.

Presentation:

1. DP Whiteland, LLC has requested to appear before the Planning Commission to present a [concept plan](#) for residential development at the **Knickerbocker Tract**. No formal Applications for Land Development or Petition for Zoning Amendment have been filed, only this concept plan (for discussion purposes).

Denise Yarnoff, Attorney for Applicant, explained that the purpose of the concept plan is to discuss and alternative use of the property from what is currently permitted under the current zoning classification. DP Whiteland, LLC – represented by Jason Dempsey – originally became interested in the site as a potential location for athletic fields. He stated that play fields are needed in the community, but that he had received pushback due to the need for lighting.

The Applicant has prepared a plan proposing a mix of residential uses throughout the entire site, but has also prepared a plan showing a commercial warehouse use – which is permitted by-right in the O/BP (Office/Business Park) District. The Applicant is more interested in a residential use for a number of reasons, but feels the warehouse use would be viable given the increasing demand for such facilities.

Ms. Yarnoff continued to explain that, while a portion of the site is zoned for residential, a zoning change would be required to allow the use across the entire tract. The Applicant's plans have been drawn using the development standards from the RMH (Residential Medium-High Density) District. The RMH District

permits up to twelve (12) units/acre, however this plan calls for significantly fewer units (approx. 2 units/acre) than would otherwise be permitted in that District.

Mr. Dempsey explained that the residential concept would bring approximately seven (7) miles of walking trails and access to Valley Creek, which would be open to the general public. He added that he has met with residents in the community to discuss his company's plan for the property. Mr. Dempsey feels as though his residential concept plan makes the most sense, whereas the warehouses create more of an adverse impact and would generate 24-hour lights and vehicular traffic.

Mr. Asousa mentioned that he made a site visit to the property and believes the plan is too dense. He added that 333 homes on the property would be overly aggressive and unpalatable. Mr. Asousa also raised concern over the proximity of homes to the natural gas pipeline running through the property.

Mr. Laumer felt it was difficult to discuss the "use" when only one concept plan is being presented, he would have preferred to see the residential and commercial warehouse plans, and perhaps even some alternatives that would be permitted under the current zoning. Mr. Laumer also questioned how many jobs the warehouse plan would create.

Mr. Dempsey acknowledged that the plan appears to be high in density, but the development has been focused to certain areas to allow open areas to be maintained. With the residential concept Mr. Dempsey can include a walking network, but that having the walking areas in a warehouse park would not be appropriate given the amount of traffic and size of the vehicles. Mr. Dempsey also commented on potential employment for the warehouse use, but cautioned that operations in large warehouses are becoming increasingly automated. He also noted the warehouses would be taller and more massive, and would likely be situated atop the high point of the property, thereby increasing visibility from nearby properties and the surrounding roadways.

Mr. Fixler and Mr. Laumer both questioned how many trucks would be coming in out the site when compared to the existing operations. Mr. Dempsey advised that his company has begun some preliminary traffic analysis and would be in a better position to discuss traffic at a future meeting.

Mr. Broadbelt stated he does not have an issue with a residential use at the site, but he is concerned with the overall density. He believes the plan looks crowded and asked if the Applicant could build on the existing landfill. Mr. Dempsey explained that it is possible to build on the landfill, which is fairly common around the country. He added that the homes have been laid out to meet the current market trends. Today's buyers seem to prefer smaller yards and less maintenance, in general.

Ms. Abel advised that she would prefer a residential development over a 24-hour trucking operation, but that she felt the plan was overly dense. She added that there may be opportunities for better connectivity within the site. She agreed that it would be helpful to see a plan that shows what other uses might be permitted under the current zoning.

Ms. Abel opened the floor to the public for comment.

Many residents approached the Commission with questions and concerns, some of which had been gathered from a neighborhood survey following previous meetings hosted by the Applicant. These comments are summarized below:

- Concern over density and number of units shown on the residential plan;
- Traffic generation and impact on local intersections;

- Potential for cut-through traffic, particularly during the morning and evening rush hours;
- Lack of sufficient detail to evaluate the plan – such as street names, property boundaries, steep slopes, and natural features;
- Desire to increase perimeter setbacks and buffering of adjacent properties;
- Adverse impact on the Great Valley School District;
- Limited site access, including existing service road at the western portion of the tract - which has potential width and ownership issues;
- Noise caused by 202 already an issue for existing residents;
- Concern over the potential warehouse in close proximity to existing residential areas;
- Openness to a conversation about a residential and/or other commercial, non-warehouse uses;
- Questions surrounding potential environmental issues given the previous use of the site;

Ms. Abel advised the residents and the Applicant that there would be no formal recommendation to be made at this time. The concept plan was brought to the Planning Commission for feedback in advance of a similar discussion with the Board of Supervisors.

Development Plans:

2. [2019-12-LD for “Vanguard Malvern West Expansion”](#) (Horatio Realty Trust) – Amended Final Land Development Plan (Phase I) to construct “swing” parking lots and associated stormwater management facilities. As part of a future Land Development Plan (Phase II) – sections of the current parking lot areas will be replaced by an office building and parking garage. These “swing” parking lots are required to prevent a loss of parking in the interim period between the completion Phase I and the initiation of Phase II.

Denise Yarnoff, Attorney for the Applicant, explained that Vanguard previously came before the Planning Commission for the construction of two (2) new office buildings and associated parking (to be built in separate phases) but the Applicant is proposing to amend that plan to construct additional “swing” parking lots to accommodate the construction activities for the second phase. The parking lot would include 410 spaces and would not change building coverage or exceed the permitted impervious coverage restrictions. The Applicant is requesting that the previously approved waivers be reauthorized as part of this Amended Final Plan application.

Mr. Asousa pointed out outstanding items from the ARRO review letter, primarily related to stormwater management and utility conflicts. Michael Kissinger, Engineer for the Applicant, explained to the Planning Commission that each of the outstanding items would be addressed upon resubmission and that he would coordinate with the Township Engineer to ensure compliance.

Planning Commission members raised concerns over making a motion prior to having all of technical issues resolved. Mr. Becker advised that most of the comments should be relatively simple to address but that he would coordinate with Mr. Kissinger to resolve the remaining items. Mr. Walko added that, in all cases, the Applicant must comply with the Township’s review letters before the plan is recorded and permitting is initiated.

Action: Mr. Asousa made a motion, seconded by Mr. Fixler, to recommend approval of the Amended Final Plan (with waivers) subject to compliance with all outstanding review comments.

The motion carried unanimously **(6-0)**.

Zoning Hearing Board Applications:

3. [2019-11-ZHB for “Mill Lane Day-Care Facility”](#) (Mystic Financial II, LLC) – Sketch Plan application pursuant to §200-115.D(5) which states that the Planning Commission shall review all Zoning Hearing Board applications which are “...required in conjunction with applications for land development...” As part of a pending application before the Zoning Hearing Board, the Applicant seeks a use variance from §200-19 and 200 Attachment 1 of the Zoning Ordinance to permit a “child day care” facility on a residentially-zoned tract. The properties, located at 1 & 5 Mill Lane, are located in the R-1 Residential District.

Jack Robinson, Engineer for the Applicant, introduced Brent Wong to the Planning Commission and provided an overview of the project. Mr. Wong owns a property on the south east corner of Conestoga and Mill Road. There is currently one home on the heavily wooded 5-acre property, which contains areas of steep and very steep slopes. There have been a number of previous development proposals over the years, including athletic fields and a church, but Mr. Wong believes a daycare would be a better use for this lot than single family homes. The applicant would need a variance from the Zoning Hearing Board for the proposed use. Conditional Use approval from the Board of Supervisors would also be needed to disturb areas steep slopes, but the site analysis is still underway.

Planning Commission members raised concerns about the proposed point of access and the amount of traffic that would be generated by the use at that location. There was also concern about internal circulation and drop-off areas. Mr. Robinson stated the entrance to the site will be approximately 150 feet from the traffic signal at Conestoga Road and Mill Lane. The daycare would also have a staging area for drop off and pickups. Mr. Robinson mentioned the nearest property is 200 feet away through thick woods.

Commissioners asked how many children would be anticipated at the facility. Mr. Wong explained he does not have a potential tenant under agreement but would expect around 150 children. Mr. Robinson noted that the parking lot was designed to show that the site could accommodate a significant parking area if required, but that he would not anticipate as many cars or students as shown.

Ms. Abel stated that she understood the need for more day care facilities within the community and stated the property was once approved for the use of church, which would also generate significant vehicular traffic.

Stephanie Wong, wife of the Applicant, explained that she and her husband purchased the property 3 years ago and have been trying to decide how to develop the site. Everyone she has asked suggested the couple develop a daycare on the site.

Several residents who live on Millcreek Lane attended the meeting to express their opposition to the project. The residents see traffic issues as a primary issue but also expressed concern over the changing nature of a primarily residential area.

Mr. Walko advised the Planning Commission members that they could choose to take one of three actions on the application: recommend *support* by the Board of Supervisors, recommend *opposition* by the Board of Supervisors, or recommend *no action* by the Board of Supervisors. He added that the Commission might also recommend certain conditions be imposed on the Applicant in order to offset potential impacts to surrounding property owners.

Action: Mr. Asousa made a motion, seconded by Mr. Laumer, to recommend that the Board of Supervisors oppose Zoning Hearing Board application.

The motion carried **(4-0-2)** with Ms. Abel and Mr. Broadbelt electing to abstain from voting.

4. [2019-12-ZHB for “Church Road Day-Care Facility”](#) (Planebrook Partners, LLC) – Sketch Plan application pursuant to §200-115.D(5) which states that the Planning Commission shall review all Zoning Hearing Board applications which are “...required in conjunction with applications for land development...” As part of a pending application before the Zoning Hearing Board, the Applicant seeks a use variance from §200-19 and 200 Attachment 1 of the Zoning Ordinance to permit a “child day care” facility on a residentially-zoned tract. The property, located at 105 Church Road, are located in the R-1 Residential District.

Victor Kelly, Engineer for the Applicant, introduced the project which – like the previous application – proposes to use a residentially-zoned property as a child day care facility. The property is located on Church Road, near its intersections with Conestoga and Moores Roads. The property is situated near an existing townhouse community (across the street) and a commercial property (next door) – which is also residentially-zoned but previously sought relief to convert to commercial use. The property is only 1.9 acres and therefore by right would only allow 1 single family home, which the Applicant feels is not compatible due to its proximity to other higher intensity uses and Rt. 202 (to the rear of the property).

Mr. Kelly explained the Applicant does have a user in-mind who currently owns several daycares in the Chester County area. According to Mr. Kelly, the site would accommodate approximately 120 children.

Action: Mr. Laumer made a motion, seconded by Mr. Fixler, to recommend that the Board of Supervisors support the Zoning Hearing Board application.

The motion carried unanimously **(6-0)**.

Ordinance Amendments:

5. The following [Zoning Ordinance Amendments](#) are proposed for review and recommendation by the Planning Commission in advance of a hearing with the Board of Supervisors **(date to be determined)**.

- a. **Streets & Bicycle & Pedestrian Facilities**

Mr. Barner explained that the proposed ordinance language had been revised in response to previous comments from the County and Local Planning Commissions, TMAAC, SEPTA, and questions raised by residents at previous meetings.

In general, the ordinance has sought to “right-size” the design standards for streets using their functional classification and add more specific standards for curbing, shoulders, on-street parking, and on-road bicycle infrastructure. Many of these standards reference outside documents (such as PennDOT and AASHTO) and/or other Chapters of the Township Code (such as “Fire Prevention” and “Stormwater Management”). In addition, the ordinance now references the Multimodal Transportation Map which contains priority bicycle and pedestrian projects throughout the Township.

Action: Mr. Laumer made a motion, seconded by Mr. Fixler, to recommend that the Board of Supervisors authorize the proposed ordinance for public hearing.

The motion carried unanimously **(6-0)**

- b. **New Definition of Medical Office, Clinic, and Urgent Care – add as a permitted use in the FC District**

Mr. Barner advised that this ordinance was tabled at the previous meeting to allow time to review licensing requirements and further differentiate between the various medical uses in the ordinance: physician’s office, urgent care facilities, medical office, outpatient surgery centers, and hospitals.

Action: Mr. Broadbelt made a motion, seconded by Mr. Asousa, to recommend that the Board of Supervisors authorize the proposed ordinance for public hearing.

The motion carried unanimously **(6-0)**

c. New Definition of In-Law Suite with Special Provisions and Performance Standards

Mr. Barner explained this ordinance was updated to remove the requirement to remove the cooking facilities from in-law suites once it was no longer in use by a family member. He advised that, although this language is not uncommon in similar ordinances in other municipalities, it was thought that the provision would be difficult to enforce and may not be necessary given the other requirements in the ordinance.

Action: Mr. Fixler made a motion, seconded by Mr. Laumer, to recommend that the Board of Supervisors authorize the proposed ordinance for public hearing.

The motion carried unanimously **(6-0)**.

d. Accessory Uses in Residential Districts with Corresponding Guidelines and Setback Requirements

Mr. Barner explained this proposed amendment was tabled at a previous Planning Commission meeting in order to clarify whether the size of a garage would be measured based on total square footage or by building footprint.

Mr. Barner advised that the purpose of the ordinance is to adjust the setback and siting requirements for accessory uses, such as garages and sheds, in residential districts. Specifically, the updated garage and shed requirements are intended to prevent excessively large structures from being built too close to the property line. The new updated standards would base the setback requirements on the size of the structure, such that smaller structures could be placed closer to property lines than would be permitted for larger buildings.

Planning Commission members were raised concern that some the requirements might be overly restrictive. There was a discussion regarding a property owner's right to personal use and enjoyment and how certain activities could affect a neighboring property.

Mr. Barner advised that the standards are intended to prevent extreme examples, where a large multi-bay garage could be built a few feet away from the neighboring property, for example.

It was suggested that alternative methods for determining sizes and setbacks could be devised. Mr. Barner acknowledged that creating a one-size-fits-all standard can be difficult, especially for residential properties and zoning districts, and asked that Planning Commission members consider some alternative methods for addressing the issues raised by staff.

Adjournment:

Ms. Abel adjourned the meeting at **10:53 p.m.**

July 24, 2019