



UPPER UWCHLAN TOWNSHIP

Planning Commission Meeting

April 12, 2018

Minutes

Approved

In Attendance:

Bob Schoenberger, Chair, Sally Winterton, Vice-Chair, Brett Hand, Chad Adams, Jeff Smith, Jim Shrimp, Dave Leh, P.E. – Gilmore & Associates, Cary Vargo, Township Manager, Gwen Jonik, Planning Commission Secretary

Bob Schoenberger called the meeting to order at 7:32 p.m. as a quorum was present.

Eagleview Corporate Center Lot 1B – Maintenance Area

Neal Fisher, Hankin Group, who had presented a sketch plan for the proposed maintenance area, reviewed the location of Lot 1B on Sierra Drive within Eagleview Corporate Center and advised that the proposed maintenance area – storage enclosures, driveway, and maintenance vehicle parking area - will serve all lots, not just 1B. Brett Hand moved, seconded by Jeff Smith, to accept the Land Development Plan for consultants' review. The Motion carried unanimously.

Eagleview Corporate Center Lot 1C

Neal Fisher, Hankin Group, who had presented a sketch plan for the proposed development, reviewed the location of Lot 1C on Sierra Drive within Eagleview Corporate Center. The Lot is 20.5 acres and the Plan proposes a 113,000 SF flexible building space – office, warehouse. There are no potential tenants at this time. Chad Adams moved, seconded by Jeff Smith, to accept the Land Development Plan for consultants' review. The Motion carried with 5 in favor. Jim Shrimp abstained as he had just joined the meeting.

Steve and Joanne McNaughton asked the Commission members to keep in mind the landscaping, screening, lighting, and noise issues when considering this Plan as what was approved for Lot 1B is lacking or ineffective. Mr. McNaughton made mention of a letter sent by Hankin to FERC (Federal Energy Regulatory Commission) regarding retaining the mature woodlands in this vicinity. The Commission asked Mr. McNaughton to forward a copy.

Vantage Point Retirement Living (Parcel 6C) Amended PRD Plan

Alyson Zarro, Esq., on behalf of Vantage Point Retirement Living introduced an Amended PRD (Planned Residential Development) Plan proposing a 37,000 SF, 3-story, 101-unit retirement facility and associated parking on Byers Station Parcel 6C, the northeast corner of Byers Road at Graphite Mine Road. Jeff Smith moved, seconded by Chad Adams, to accept the Amended PRD Plan for consultants' review. The Motion carried unanimously.

Village at Byers Station Parcel 5C Commercial Lot 2 Amended Final PRD Plan

It was decided at this time to delay the review and discussion of this Plan until later in the evening.

Gunner Property / 160 Park Road Conditional Use Application

Alyson Zarro, Esq., explained that Gunner Properties submitted a new Conditional Use Application for an eating and drinking establishment at 160 Park Road instead of requesting a renewal of the 2017 Conditional Use Approval due to changes of substance with the property and the Brewer's license. The property has been connected to public sewer, an expanded parking area land development plan has been approved, and Mr. Gunther has a liquor license available

through his Eagle Tavern business and will be the Operator at this location. The expanded parking area will be constructed in the near future following PaDEP permit approval, and that includes the landscaping and buffering measures around the parking area and property line.

Commission members asked a few legal questions. Cary Vargo advised the Township Solicitor agrees a Conditional Use Hearing should be opened, new pertinent testimony be heard and a new Decision & Order be drafted which addresses the neighbor's concerns. Conditions of Approval would include that the property improvements be completed before the Occupancy could occur.

Answering a question regarding the Applicant seeking approval for off-site parking, Ms. Zarro replied that in case a large event such as Community Day is being held, off-site parking would be for overflow parking. Agreements are being drafted with the property owners where Kinetics and Dunkin Donuts are located (@ 100 spaces) and the south-western corner of Little Conestoga Road at Park Road (55 spaces).

Sally Winterton moved, seconded by Jeff Smith, to recommend to the Board of Supervisors that a Conditional Use Hearing be held for this Application. The Motion carried unanimously.

Zoning, Subdivision-Land Development, Stormwater Management Ordinances – Amendments

Cary Vargo introduced ordinance amendments drafted by the Township's Solicitor, which will decrease waiver requests to the Board of Supervisors. The Zoning Ordinance amendment addresses the timeframe of a project's progress from conditional use approval to building permit submission; the Subdivision/Land Development amendment addresses the Plan submission process; and the Stormwater Management Ordinance amendment updates the type of pipe materials allowed.

Jeff Smith moved, seconded by Sally Winterton, to send the Ordinance amendments to the County Planning Commission for review and comment. The Motion carried unanimously.

Approval of Minutes

Jeff Smith moved, seconded by Sally Winterton, to approve as presented the minutes of the Planning Commission's March 8, 2018 meeting. The Motion carried unanimously.

Open Session

Mr. Gunther responded to several questions regarding his eating and drinking establishment Application – he'll serve "craft" beer; food will be provided via food trucks and Eagle Tavern; the existing house may become a breakfast spot, with fresh breads, etc.

Village at Byers Station (Parcel 5C) Commercial Lot 2 Amended Final PRD Plan

Bob Dwyer presented a Plan dated February 2018 for the commercial Lot (#2) on Parcel 5C. Alyson Zarro, Esq., was present. Toll Brothers bought the residential Lot (#1); Equus will develop the retail and commercial portion. Several anchor tenants have been secured – a grocer, a daycare facility, and a coffee shop with drive-through service (there are 2 Firms interested in this space). There will be 1 large building and several smaller pads. Phase 1 is @ 40,000 SF of the 81,000 SF total for of retail/commercial. Mr. Dwyer distributed color drawings of the overall site and architectural elevations.

Discussion regarding drive-through service followed:

1. Ms. Zarro advised that the 1999 Tentative PRD Plan Approval stated C-1, C-2 and C-3 zoning district uses are permitted on Parcel 5C and that approval applies to today's Plan; C-3 doesn't prohibit drive-through.
2. The Planning Commission believes current codes apply.

3. Does the Municipality Planning Code 'grandfather' the 1999 Ordinances, and for what timeframe - indefinitely?
4. Over the years, there have been a number of approvals (1999, 2003) and amendments regarding Byers Station that need to be reviewed. Keep in mind the character of the community.
5. Mr. Dwyer advised that if there's no drive-through service, the coffee shoppes wouldn't be interested;
6. The Commission was concerned with traffic stacking for the drive-through;
7. The Commission would like to see the MPC regulations and/or case law that determines the 1999 codes apply rather than 2018 codes, and are there other items on this Plan that wouldn't comply with today's codes?

Other discussion points include:

- A. The site has right-in/right-out access on northbound Route 100, closer to Station Boulevard.
- B. The paved area outside the grocery store is outdoor seating only, not table service.
- C. It may be a number of years until Phase 1 and 2 would be complete.
- D. The proposed landscaping looks good.
- E. The Township Historic Commission should see the architectural elevations for comment.
- F. Make sure the Plan is consistent with surrounding land uses and desires.

Mr. Dwyer advised they can comply with most of the consultants' comments and they'll meet with the consultants and staff to work them out. They'll attend the May meeting to discuss the items not resolved this evening.

Adjournment

Sally Winterton moved, seconded by Jeff Smith, to adjourn at 9:04 p.m. All were in favor.

Respectfully submitted,

Gwen A. Jonik
Planning Commission Secretary