



CHADDS FORD TOWNSHIP MEMORANDUM

To: Board of Supervisors
From: Matt Baumann, Township Manager
Date: February 8, 2023

2022 Planning Commission Activities Report

This memo serves to act as the Planning Commission's written activities report for the year 2022 and is being submitted to the Board of Supervisors as required by the Pennsylvania Municipalities Planning Code (§ 207). The following matters were discussed by the Planning Commission in 2022, with the action taken on each matter as noted.

Land Development Applications

475 Webb Road: *Chairman Huffman moved to recommend approval to the Board of Supervisors for Applicant, Thomas Moffa and Kelly Bolkus's Conditional Use Application for 475 Webb Road, with a property tax folio number of 04-00-00302-99, proposing an in-ground pool and patio, to permit disturbance of steep slopes, conditioned upon Applicant satisfactorily complying with: A. Township Engineer Michael Schneider's Review Letter last revised February 4, 2022; B. Township Land Planner Thomas Comitta's Review Letter last revised February 1, 2022; 2 | Page C. Township Zoning Officer Fran McArdle's Review Letter last revised February 8, 2022. Commissioner Trigg second the motion, and with a unanimous vote, the motion passed at 7:17 PM. The 475 Webb Road Conditional Use Application will go in front of the Board of Supervisors at a March 2, 2022, public hearing.*

Discussion: February 9th

Action: The motion was made at the February 9, 2022 Planning Commission meeting and passed.

1625 Creek LLC (Hank's Place) Preliminary/Final Land Development Application: All requested variances were granted by the Chadds Ford Zoning Hearing Board. Amended plans were submitted to Chadds Ford Township in October 2022. At the November 9th meeting updates to the grading plan which included a right turn exit only along Baltimore Pike as recommended by PennDOT, entrance/exit along Creek Road was narrowed by 6.5 ft, parking along Baltimore Pike was altered so it would not be in the PennDOT right of way resulting in the loss of one parking spot along Baltimore Pike, three parking spaces on the northern property line were added, one additional parking spot along Creek Road was added, and the parking lot will have all new lights

were discussed. Along Creek Road, the first roughly ten (10) feet drains onto Creek Road into a swell. The rest of the site flows around the building as it did in the past, flowing out of the right turn exit only lane and into the existing inlet. Impervious coverage to the site is being reduced by 10%. These are the reasons they are requesting a stormwater waiver. *On November 9th Chair Huffman made a motion to grant preliminary and final land development applications submitted by 1625 Creek LLC, aka Hank's Place, as submitted with the following waivers being granted: 110/10 waiver of submitting both preliminary and final plan, 110/29G no stormwater from property shall discharge upon the street, 110/52 submit an EIA report, and requirements of chapter 105 stormwater management subject to conditions of the memo from TCA (dated 2/24/2022 and updated 10/21/2022) and terms and conditions of the Pennoni letter (dated 11/3/2022 and any prior reports in which the comments may not have been reincorporated into the 11/3/2022 letter) and subject to compliance with the fire marshal's review letter (date to be supplied). The motion was seconded by Vice Chair Hoxter and passed 5-0.*

Discussion: March 9th and November 9th

Action: The motion was made at the November 9th meeting and passed.

1625 Creek LLC (Hank's Place), Conditional Use Application: *On November 9th Chair Huffman moved to recommend approval of the conditional use application submitted by 1625 Creek LLC, aka Hank's Place, received by Chadds Ford Township on 10/14/2022 as amended and recommend the Board of Supervisors approve the conditional use application subject to the following conditions: 1.) Applicant comply with any and all conditions placed upon it by the motion made and approved by the Zoning Hearing Board. 2.) Applicant formalize in a manner acceptable for Chadds Ford Township a shared parking agreement with the business owners that are located adjacent specifically currently Antica and Brandywine Prime or any successors thereof that are located on the same side of the Route 1 North side, across from Creek Road and record said agreement. 3.) Applicant place visible onsite signage indicating no parking along Creek Road. The motion was seconded by Vice Chair Hoxter and passed 5-0.*

Discussion: November 9th

Action: The motion was made at the November 9th meeting and passed.

Subdivision and Lot Line Change Applications

32 Atwater Road, 3-lot Subdivision: There are two existing lots; lot one is 4.1 acres, the second lot is 2.6 acres. The applicant is looking to reverse subdivide and then subdivide out three lots. The lots will be 2.02 acres, 2 acres, and 2.34 acres. The lots are proposed for three single family dwellings. Lot three currently has a single-family dwelling which will be demolished. The tract is located in an R-1 Residential Zoning District. Private water and private on lot sewer are proposed in addition to underground stormwater management beds for each lot. Two waivers requested by the applicant are to submit preliminary-final plans (Section 110-19) and a waiver from section 110-31 requiring lot lines to be at right angles to the right-of way. *Chair Huffman made a motion to recommend approval for the plans as submitted and that waivers allowing the applicant to advance with a preliminary-final plan and waiving the requirement for lot lines to be at right angles to the right-of-way are granted subject to the compliance of the review*

letters from Pennoni and TCA with the specific caveat that any movement necessary with wells, septic fields or otherwise requires an additional review by the Planning Commission to avoid moving into steep slopes and with the caveat that the applicant works with the Township Land Planners on placement of trees across all three lots placed at different times during the construction. Commissioner Bradley seconded the motion and it passed 5-0.

Discussion: August 10th

Action: The motion was made at the August 10th meeting and passed.

Sketch Plan Applications

David Dodge, LLC: Sketch Plan for 1801 Wilmington Pike was presented. The application included discussions on the landscaping plan, stormwater management and delivery routes. A traffic study was requested by the Planning Commission.

Discussion: January 12th and February 9th

Action: No action taken.

Wilmington Pike Group, LLC/Bunch Property, 1720 Wilmington Pike: Sketch plan for land development was first heard by the Planning Commission on May 11th. After their original presentation to the Planning Commission in May 2022, the applicant returned with a revised proposal based on feedback received from the Planning Commission. Still in the sketch plan phase, the applicant stated they are looking for direction on primary use and want to move forward with zoning and land development. On September 9, 2022 the applicant submitted the formal traffic scoping application to PennDOT. The applicant expects to have the review back from PennDOT by the end of October. Chadds Ford requested to amend any intermunicipal sewer agreement. said it is suggested that the POC parcels be rezoned to B-1 and have a conditional use drafted for B-1 to allow for a convenience store and gas station. Chair Huffman said the Bunch/Carlino property down through the Goddard School would make sense transitioning to B. On November 9th the applicant said land Development and Zoning would run concurrently with a map change request. The applicant is proposing B as opposed to B-1 because B is contiguous to the parcel. Chair Huffman stated he will not change all of B to allow gas stations but is open to a map change to the proposed property and Goddard Property to B1. Chair Huffman said instead of adding fuel pumps to convenience stores for B, if there needs to be a clarification that convenience stores with gas pumps are permitted in B-1 then the clarification should be in B-1 and have an eye towards changing the map to make it B-1. The proposed convenience store is a 6049 sq.ft. building and has fifty-nine (59) parking spaces, a 10 per 1000 ratio.

Discussion: May 11th, July 13th, October 12th, and November 9th

Action: No action taken.

Hyundai Car Dealership, 1540 & 1550 Wilmington Pike, Sketch Plan: The sketch plan highlighted the applicants request for a zoning map change and conditional use application. The ask to Chadds Ford Township was that the Hyundai parcel, currently in B zoning district be rezoned as part of the B-1 zoning district. The neighboring parcel is already in the B-1 zoning

district. The proposed text amendment would allow the Board of Supervisors to grant dimensional and substantive relief in conditional use proceedings in the B1 district where parcels are contiguous to one another and where the applicant proposes to develop them in concert or simultaneously. On December 14th Steve Sauselein, Edward B. Walsh & Associates, Inc., shared the eight (8) points of interest from the edited proposed plans. The Township engineer, Mr. Schneider, confirmed he is in agreement with the proposed changes. Chair Huffman recommended looking at offsite improvements and coming back in January with a traffic study.

Discussion: July 13th, September 14th, October 12th, and December 14th

Action: No action taken.

Tractor Supply Co., 220 Brintons Bridge Road, Sketch Plan: The Tractor Supply building is around 22,000 sq.ft. A lot line adjustment will be made between Tractor Supply and Enzo's to provide Enzo's with additional parking. Combined, the size of the parcels are 4.135 acres. Chair Huffman suggested the applicant speaks with the Township Zoning Officer to see if it is permitted use in PBC. The applicant stated they are working with DEP and the Army Corps on two wetlands that would need to be filled on the property, about .162 acres. An offsite mitigation area would probably be needed. The property will use public water.

Discussion: September 14th

Action: No action taken.

1597 Baltimore Pike, Camp Property Sketch Plan: The plan proposed 4,500+ square foot twin homes and a twenty-six (26) unit apartment building. The proposed plan depended on Village Overlay District zoning. Looking to create connectivity between proposed plan and Barn Shops by creating a boulevard entrance that will provide access to the Barn Shops. Density under proposed plan is less than 3 units per acre. The entirety of the tract is 16.8 acres. Apartments will be rentals and the homes will be for purchase. There will be additional parking for the Barn Shops along with walking trails and a biodiversity area open to the public. An HOA or similar organization would be in place. Price point for the homes is \$900,000 - \$1.2 million. The 10 acres of open space would be deed restricted to ensure it remains open space. The apartments will be 60% one bedroom and 40% two bedroom. Square footage likely fall around 900+ sqft. and priced around \$2,000-\$3,00 per month based on today's market.

Discussion: August 10th

Action: No action taken.

Ordinance Reviews

Zoning Ordinance: Includes inoperable vehicles, floodplains, telecommunications, wireless communications, additional regulations, definitions, historic overlay district, and buffers. On July 13th Commissioner Goodier made a motion to accept Article XVIII as presented and recommend it to the Board of Supervisors for adoption. Commissioner Trigg seconded the motion and it passed 5- 0. On August 10th Chair Huffman a motion to recommend approval of Chapter XXVI Additional Regulations as revised most recently 08/03/2022, which is the version that does not contain property maintenance regulations with the caveat that the Planning

Commission or Township in general will undertake discussion of a separate property maintenance ordinance in the future. Commissioner Trigg seconded the motion and it passed 4-1. On September 14th Chair Huffman made a motion to recommend approval of adoption of article XIX Floodplain Conservation Overlay District as discussed and amended most recently dated 8/18/2022 with a strikeout on page 6 paragraph, H-1, final sentence. The motion was seconded by Commissioner Trigg and passed 5-0. On September 14th Chair Huffman made a motion to recommend approval of Article XX Historic Overlay District and Historic and Architectural Review Board as in the packets with Planning Commission designated by TBT 9/6/2022, TBT/MM 8/19/2022, TBT 8/05/2022, TCA 12/29/2021 with the following modifications on page 2, Section 135-142A, establishment or expansion will go to the Planning Commission before going to HARB and page 12, Section 135-154B, that after 25ft the word deep should be inserted. Commissioner Goodier seconded the motion and the motion passed 5-0. On December 14th *Chair Huffman made a motion to recommend approval of the zoning code as submitted with the red lines and the reader's notes for clarity of translation and purpose along with Commissioner Trigg's undated note that says final zoning code discussion topics for PC with the caveat that D4C from 135-72 D-4C and 135-85 D-4C be stricken. Commissioner Goodier seconded the motion and it passed 4-0.*

Discussion: January 12th, February 9th, February 15th, April 21st, May 11th, June 8th, July 13th, August 10th, September 14th, October 12th, November 9th, and December 14th

Action: The motion was made at the December 14th meeting and passed.

Marijuana Draft Ordinance: Growers/Processors: Discussion ensued about what areas LI-1 would be most appropriate. The two locations that were discussed for this district were a parcel called Pott's Meadow, which is at corner of Baltimore Pike and Creek Road, and a property south of Baltimore Pike adjacent to Heyburn Road. Chairman Huffman stated that for the meantime, LI-1 will be located in the Pott's Meadow location, as a placeholder. It was agreed upon that the lot size requirements for this proposed zoning district would be a minimum of five (5) acres. *At the May 11th meeting there was a motion by Chair Huffman that a recommendation of approval of the grower processor ordinance set forth in the packet of information that was provided to us most recently updated 5/5/22 with the following changes associated with it, paragraph C2 should read as follows marijuana growing and processing is a permitted use by special exception on properties located within the LI1 zoning district, an MMGP facility shall not be permitted as a commercial greenhouse in any zoning district within Chadds Ford Township furthermore that it be amended that any reference to PBC1 be replaced with reference to LI1 and further that on section D4d the last sentence of that provision the PA Code reference will be stricken and remove the quotes around that sentence. With those changes to the document marked 5/5 Chair Huffman made a motion, second by Vice Chair Hoxter. A friendly amendment to change MMGP in paragraph C2 to marijuana grower processor recommended by Chair Huffman and second by Vice Chair Hoxter. A second friendly amendment that anywhere in the 5/5/22 packet it says MMGP which includes D5 should be changed to marijuana grower processor. A further friendly amendment will be E4 change from \$1000 to \$500 recommended by Chair Huffman and second by Vice Chair Hoxter. Motion carried.*

Discussion: January 12th, February 9th, and May 11th

Action: The motion was made at the May 11th meeting and passed.

Review of draft Ordinance 171 to repeal Ordinance 166 which rezoned three (3) properties from PBC Planned Business Center to PBC-1 Planned Business Center-1 Zoning District: Chair Huffman stated that the PBC-1 amendment was for the Mercedes plan in 2020. Mercedes previously purchased the three properties and requested that they be rezoned from PBC Planned Business Center to PBC-1 Planned Business Center-1 Zoning District to allow car sales and services. Chadds Ford Township went through an extensive planning process with Mercedes, which concluded in the Planning Commission recommending the plan to the Board of Supervisors. The Board voted to approve the plan and rezone the area to allow for automobile sales and services. Mercedes then sold their dealership. The new owner decided to keep the dealership in its current location in Birmingham Township. Chadds Ford Township wishes to repeal Ordinance 166 by rezoning the properties back to PBC. *Chair Huffman made the motion to approve Draft Ordinance 171 to repeal Ordinance 166, which rezoned three properties from PBC Planned Business Center to PBC-1 Planned Business Center-1 Zoning District and those parcels that are set forth. Commissioner Trigg seconded the motion, which passed unanimously.* Chair Huffman stated again that the Board of Supervisors will vote on the Planning Commission’s recommendation at their June 8, 2022, special meeting.

Discussion: May 11th

Action: The motion was made on May 11th and passed.

Other Matters Discussed

01-2022; VRBO/Short-Term Rental Properties: Concerns were raised over enforcement of properties not in compliance with the current zoning laws. There was discussion on the pros and cons of regulating such activity in the Township.

Discussion: January 12th and February 15th

Action: This section was stricken at the February 15th meeting.

Greene Station at Painters Crossing (The Henderson Group), 600 Brandywine Drive, Zoning Text Amendment Application: The request was a Zoning Text Amendment for the PBC District that would allow senior apartments as a conditional use on properties in excess of ten acres with highway frontage along US Route 1 or Wilmington West Chester Pike. Also reviewed was a sketch submission for “Greene Station at Painter’s Crossing,” a proposed senior apartment development that the Applicant claimed would help fund and revitalize the Village at Painters Crossing Shopping Center and the completion of Hillman Drive. The Henderson Group stated they would own and maintain all the units in the proposed senior apartments. *Chair Huffman made a motion recommending that the Board of Supervisors deny the text amendment as requested. The motion was seconded by Commissioner Trigg and passed 5-0.*

Discussion: March 9th and June 8th

Action: The motion was made at the June 8th meeting and passed.