

**CHADDS FORD TOWNSHIP
PLANNING COMMISSION**

October 29, 2003

MINUTES

The Planning Commission of Chadds Ford Township met in the Township Hall on Wednesday, October 29, 2003. Present were Chairman William J. Taylor, Vice-Chairman Maurice Todd, Fred Reiter, Jim Reamer and Anthony Cutrona. Also in attendance were Kevin Matson, EIT, for James C. Kelly, PE, Township Engineer, and Maryann D. Furlong, Township Secretary.

CALL TO ORDER

The meeting was called to order at 7:36 PM.

APPROVAL OF MINUTES OF September 24, 2003

Upon motion and second (Todd, Reiter), the minutes of the September 24, 2003 meeting of the Planning Commission were unanimously approved.

PUBLIC COMMENT

No comments were offered.

CALVARY CHAPEL PROPOSED ZONING ORDINANCE AMENDMENT

Donald T. Petrosa, Esquire, presented for Calvary Chapel, the equitable owner of Lots 2 and 4 of the Chadds Ford Plaza Subdivision. Calvary Chapel is interested in building a church, but cannot submit a conditional use application until Township ordinances are amended. Mr. Petrosa proposed a zoning ordinance amendment to enable the church to submit a land development application at some point in the future. The proposed amend would allow for educational, philanthropic and religious uses by conditional use in the POC and PBC areas. Presentation had been made before the Board of Supervisors in September and the Township Secretary had been authorized to advertise. The applicant had already received approval from Delaware County Planning. Mr. Petrosa asked re Planning Commission members for comments.

Mr. Todd asked how broadly the term "philanthropic use" was being interpreted. Mr. Reiter also questioned "educational use." Mr. Petrosa

suggested that definitions are contained within present Township ordinances, but typical not for profit organizations would most likely fall within the term.

Mr. Reiter asked for specific information as to the location of the lot and Mr. Petrosa provided same.

***MOTION TO RECOMMEND APPROVAL OF ORDINANCE 102 –
AMENDMENT OF POC AND PBC***

Upon motion and second (Todd, Reamer), the Planning Commission unanimously recommended that the Board of Supervisors adopt Ordinance 102, amending Chapter XII, Zoning, by amending Section 62, PBC by amending

Planning Commission
Minutes
October 29, 2003
Page Two

section 12.62(b)(3) Conditional Uses by adding a new subsection 12.62(b)(3)(vii) providing for educational, philanthropic and religious uses; and by amending Section 63, POC, by amending section 12.63(b)(3) Conditional Uses, and by adding a new subsection 12.63(b)(3)(ii) providing for educational, philanthropic and religious uses.

NEW HORIZONS FELLOWSHIP – Fourth Submission

Michael Lyons, Esquire was present for the applicant and reported that a meeting had been held at the offices of Kelly Engineers regarding access to the proposed church. Peter Goldring, PE, responded to Kelly Engineers' review letter dated October 29, 2003.

Comments 1. through 42. have been resolved. Discussion centered on comments 43. through 49, concerning stormwater calculations, catchment areas, peak outflow values, routing information theoretical hydraulic limits, downstream conditions and an additional culvert. Mr. Todd questioned the condition of the entrance roadway during a 50 year storm. Mr. Goldring responded that he did not anticipate any water on the roadway and that an additional culvert will keep the roadway dry even during a 100 year storm.

Mr. Matson questioned whether the area that had been delineated on the plan clearly indicated the size of the area in question and also

questioned the hydraulic capacity of the three culverts. If the culverts need to be resized, the hydraulics of the calculations need to be revisited. Specific designated areas might also produce additional flow into Harvey Run. In stormwater calculations, what happens downstream is of great importance with the question of ponding a potential problem. A Manning's analysis would demonstrate if adequate capacity exists. Mr. Matson agreed with the applicant's basic concept, but asked for additional calculations to support same. Mr. Goldring responded that no flooding of the roadway will occur with the current proposal.

Commission members reviewed outstanding issues. Mr. Taylor questioned Kelly's comment 29., regarding Operation and Maintenance agreement requirements. Mr. Goldring responded that the applicant will comply with the requirement and also stated that in compliance with comments 31. and 37., additional information will be submitted to the Delaware County Conservation District. Mr. Todd asked for more information regarding foundations for the proposed crosses, see Kelly comment 33.

Mr. Taylor asked Mr. Matson if he would be satisfied with the application if Mr. Goldring provides the additional calculations for comments 43. through 49. Mr. Matson replied that he would be satisfied. Mr. Lyons asked if the Commission would grant conditional approval so that he can proceed to make application to the Township for a special exception.

Planning Commission

Minutes

October 29, 2003

Page Three

MOTION TO RECOMMEND CONDITIONAL APPROVAL – NEW HORIZONS FELLOWSHIP CHURCH PRELIMINARY/FINAL LAND DEVELOPMENT PLAN

Upon motion and second (Todd, Reamer), the Planning Commission recommended approval of the preliminary/final land development plan of New Horizons Fellowship Church, conditioned upon final approval by the Township Engineer specifically as to any and all outstanding issues as contained in the review letter of Kelly Engineers dated October 29, 2003. Commission members further recommended that applicant proceed with its application for special exception.

THOMAS GAKIS – SKETCH PLAN PRESENTATION

James E. Fritsch, PE, of Register Associates, presented on behalf of applicant Thomas Gakis, a West Chester business man. Mr. Fritsch presented a sketch plan for a property on the south side of Route 1, approximately 5.89 acres, zoned both business and light industrial. The sketch plan proposed stores, one of which would be utilized by Mr. Gakis. Access to the shopping center would be from Route 1. Public water and sewage would be utilized. 130 parking spaces would be required, 138 were shown on the plan.

Mr. Reiter stated that he recalled the lot having a steep grade down to Route 1, most likely presenting a problem for access. Mr. Fritsch replied that access is not that bad, with regrading to take place and some shaving back of the bank to insure adequate sight lines. Mr. Taylor stated that the Camerons had at one time submitted plans for a Sizzler Restaurant, with access coming from Hillman Drive. Due to the fact that the road is privately owned, the plan had been scraped. Mr. Reamer questioned the slope in the rear, with Mr. Fritsch saying that a steep slope plan had not yet been done, and that a retaining wall would probably be necessary.

Mr. Todd questioned the impact of the Township's plan to extend Hillman Drive on the proposal, since the property in question is very close to where a proposed road would go through. There was discussion as to access and egress and the possible future use of Hillman Drive.

Mr. Fritsch asked Planning Commission members to consider recommending a rezoning of the entire parcel. Mr. Taylor asked if the applicant plans to apply to the Board of Supervisors for a zoning change. Mr. Fritsch replied yes, but that the applicant would prefer to have the Planning Commission's endorsement of such a change prior to making an application. Planning Commission members reviewed the zoning map as it pertains to the area in question. After much discussion among members, Mr. Taylor responded that Commission members were not in favor of recommending a change of present zoning in that area.

Minutes

Planning Commission

October 29, 2003

Page Four

Mr. Fritsch proceeded to review parking requirements and the possibility of shared spaces between the light Industrial and business portions, with the question being whether the zoning line restricts the number of parking spaces. There was discussion as to whether the issue was really a zoning question or something Planning Commission can consider. Mr. Todd suggested that if there are no legal issues involved and parking can be considered a site question, Commission members could make recommendations to provide for the best plan flow, etc. However, since there may be legal issues that need to be determined, Planning Commission would not feel comfortable recommending anything prior to that determination.

Mr. Fritsch suggested that access from Route 1 is the only option available at this point, unless Planning Commission objects to the approach. Mr. Taylor asked the depth of the paved shoulder along Route 1 and the beginning of the parking lot. Mr. Fritsch answered about 77 feet and that he might add a deceleration lane to the plan. Mr. Taylor didn't like the looks of the entrance considering with the speed of traffic on Route 1. He stated that everything possible needed to be done in order to insure as much safety as possible. Mr. Taylor suggested Mr. Fritsch attending Planning Commission workshop to review any updates.

GRACE PROPERTY RIDGE ROAD SUBDIVISION APPLICATION – Second Public Review

L. U. Ginter was present as agent for applicants Joseph and Carol Grace, as well as John Wetzel of McCarthy Engineers. Mr. Ginter had been at the October workshop and had further reviewed Mr. Kelly's comments as presented in the review letter.

Mr. Ginter plans to submit a Planning Module Exemption request as suggested in Comment 7. There had been questions as to Kelly's comment 16. regarding differing soil types. Mr. Wetzel responded to the question.

Kelly Engineers will perform percolation testing for the sewage system for the proposed house. Same is scheduled for November 4th and 5th. Comments from the Delaware County Conservation District had been addressed and a resubmission will be made.

Mr. Ginter stated that a letter had been sent by Mrs. Furlong regarding the adequacy of the copy of the Deed that had been submitted with the application. Mr. Wetzel explained that in 1979, a 10 acre parcel had been purchased by Joe Grace. Another portion of land had been added when the High Ridge development had been built. The acreage apparently did not add up and the applicant submitted a sketch of the parcels in question to explain the situation.

Minutes
Planning Commission
October 29, 2003
Page Five

Mr. Ginter asked Planning Commission members to recommend approval of the plan. There was discussion regarding the fact that revised plans had not been submitted. Mr. Mattson stated that he would be reluctant to make a recommendation since revised plans had not been reviewed. Mr. Todd concurred that even though requirements seem to have been met, a revised plan needed to be submitted to the Township at least two week prior to the Planning Commission meeting. Mrs. Furlong asked that thirteen sets of revised plans be submitted for distribution.

STONEBROOK I and II - RESIDENT's COMMENTS

Mr. Bandergee of 96 Atwater Road was present to discuss the Stone Brook I and II applications that had been submitted. He had a number of issues, especially with the four lot subdivision. Mr. Bandergee asked for clarification as to where Atwater Road ends. Planning Commission members reviewed submitted plans for Stone Brook I and discussed proposals regarding the roadway.

Mr. Reamer questioned what Planning Commission would do if a resident does not agree with the provisions of a proposed development. Mr. Taylor replied that Planning Commission members will listen to all good arguments. Mr. Cutrona suggested Mr. Bandergee review the provisions of his deed as to ownership of the road.

MOTION TO ADJOURN

There being no further business, the meeting was adjourned at 9:35 PM.

Respectfully submitted,

MARYANN D. FURLONG
Planning Commission Secretary